



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, 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: California Prison Industry Authority

A written comment period has been established commencing on **October 19, 2012** and closing on **December 3, 2012**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 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 his review, unless any interested person or his or 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 his 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 Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **December 3, 2012**. 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 Adrienne Tackley, 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 respective agency. Requests for copies from the Commission should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add California Code of Regulations Section 588.12 entitled "Transfer of Assets Between Rate Plans of a Contracting Agency". This proposed regulatory action pertains to all contracting agencies.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on October 19, 2012 and closing on December 3, 2012 at 5:00 p.m. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via facsimile at (916) 795-4607; email at [Regulation.Coordinator@calpers.ca.gov](mailto:Regulation.Coordinator@calpers.ca.gov); or mailed to the following address:

Ryan Digman, Regulations Coordinator  
California Public Employees' Retirement System  
P.O. Box 942702  
Sacramento, California 94229-2702  
Telephone: (916) 795-0963

III. PUBLIC HEARING

A public hearing regarding this proposed regulatory action has not been scheduled. Pursuant to Government Code section 11346.8, any interested person, or his or her duly authorized representative, may submit a written request for a public hearing to CalPERS no later

than 15 days prior to the close of the written comment period. Such requests must be received no later than 5:00 p.m., Monday, November 19, 2012. If scheduled, notice of the time, date, and place of the requested public hearing will be provided to every person who has filed a request for notice with CalPERS.

Access to Hearing Room

The hearing room will be accessible to persons with mobility impairments and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

IV. AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code Section 20121. This action would implement, interpret, and make specific Government Code section 20840.

V. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A currently active CalPERS contracting agency has a severely overfunded Miscellaneous Plan with a surplus that continues to grow, and a Safety plan that is underfunded. The agency has reached a critical point in staffing and would like to use a portion of the Miscellaneous plan's excess assets to help pay off the current unfunded liability obligation of their Safety plan. At this time, there is no provision in statute or regulation that would permit such a transfer.

The proposed regulation intends to allow any contracting agencies with plans meeting the severely overfunded plan requirements to redistribute excess assets to portions of their contract that are under the most financial stress.

The proposed regulations also cover the procedures and review processes for such redistributions.

Anticipated Benefits of Proposed Regulations

There are a number of anticipated benefits from the proposed regulations. In general, the regulations will allow an agency to use its financial resources more efficiently and rationalize the amount it spends on retirement plans.

The agency's retirement plans under the most financial stress will receive immediate relief and will be able shore-up the financial security of these plans. In addition, the regulations help ensure the severely overfunded originating plan remains well funded after the transfer of assets, without putting that plan at financial risk at any time in the future.

VI. EFFECT ON SMALL BUSINESS

The proposed regulations will not affect small business as the regulation applies only to organizations subject to California Public Employees' Retirement Law, which generally does not cover small businesses.

VII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not place any mandate on local agencies or school districts.
- B. COST OR SAVINGS TO ANY STATE AGENCY: The proposed regulatory action does not impose costs or savings for any state agency.
- C. COST OR SAVINGS TO ANY ONGOING LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action does not impose costs or savings on any ongoing local agencies or school districts.
- D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action does not impose nondiscretionary costs or savings on any local agencies.
- E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE: The proposed regulatory action does not impact any federal funding to the state.
- F. ADVERSE ECONOMIC IMPACT: The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.
- G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. RESULTS OF ECONOMIC IMPACT ANALYSIS: The proposed 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 board is aware that reducing financial stress on an agency's fiscal condition has many positive economic effects. These include allowing its management to operate more efficiently by

allocating more time and resources to improve services and resolve other issues. This benefits all California residents receiving services from the agency.

Furthermore, agency employees are able to work more efficiently without being distracted or distressed over their retirement plan's financial condition. This clearly has a positive influence on the health and welfare of the employees of the agency and members of the retirement plan (both active members and those in receipt of benefits currently) and their families and dependents.

- I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no effect.

VIII. CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above-mentioned hearing or during the written comment period.

IX. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Misa Kurano  
 Actuarial Office  
 California Public Employees' Retirement System  
 P.O. Box 942709  
 Sacramento, California 94229-2709

Telephone: (916) 795-9198  
 Fax: (916) 795-2744  
 Email: [Misa\\_Kurano@calpers.ca.gov](mailto:Misa_Kurano@calpers.ca.gov)

Please direct requests concerning the processing of this regulatory action to Ryan Digman, Regulations Coordinator, at the address shown in Section II.

X. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulation Coordinator at the ad-

dress shown above. To date, the file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons (ISR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons (FSR) can be obtained, once it has been prepared, by written request to Ryan Digman, Regulations Coordinator, at the address shown in Section II.

#### XI. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed addition to the regulations after the public comment period closes. It may amend CCR section 574 if the changes are sufficiently related to the original text so that the public could have anticipated them.

If the Board modified its regulatory action, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, testified or submitted written comments at the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

#### XII.

One can access the regulatory material regarding this action at [www.calpers.ca.gov](http://www.calpers.ca.gov); *About CalPERS*; *Legislation, Regulations, and Statutes*; *Regulatory Actions*; *Current Regulatory Actions*.

### TITLE 5. COMMISSION ON TEACHER CREDENTIALING

#### **Proposed Amendments Pertaining to Administrative Services Credential**

The Commission on Teacher Credentialing (Commission) proposes to amend the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

#### PUBLIC HEARING

A public hearing on the proposed actions will be held:

**December 7, 2012**

**8:30 a.m.**

**Commission on Teacher Credentialing**

**1900 Capitol Avenue**

**Sacramento, California 95811**

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email on the proposed action. The written comment period closes at 5:00 p.m. on December 3, 2012. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at [tfesperman@ctc.ca.gov](mailto:tfesperman@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing. Written comments received after that date and up to December 6, 2012 will be presented to the Commission prior to the public hearing.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Education Code section 44225, and to implement, interpret or make specific sections 44270 and 44270.1 of the Education Code, the Commission is proposing amendments to section 80054 in Title 5 of the California Code of Regulations (CCR).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws and Regulations

The proposed amendments to Title 5 of the CCR will clarify and interpret the Education Code (EC) sections pertaining to the requirements for California-prepared candidates seeking Administrative Services Credentials in California.

Title 5 section 80054 contains the requirements for an Administrative Services Credential and was last amended in May 2000. Since May 2000, several pieces of legislation affecting the issuance of Administrative Services Credentials to California and out-of-state prepared administrators have been enacted. This includes:

- 1) Addition of an examination option for both the preliminary and clear credential (currently an examination has only been approved by the Commission for the preliminary credential) in SB 1655 (Chap. 225, Stats. 2002);
- 2) Two additional options to meet the clear credential requirements (Mastery of Commission Accredited Fieldwork Performance Standards and Administrator Training Program) in SB 1655 (Chap. 225, Stats. 2002); and
- 3) Separate specific requirements for administrators prepared out-of-state were established in AB 877 (Chap. 703, Stats. 2000) in 2001.

The specific and distinct requirements set forth in the Education Code for administrators prepared outside of California require that current regulatory language be deleted from Title 5 section 80054. The Commission may continue to issue Administrative Services Credentials for out-of-state prepared Administrators based on the current Education Code.

In addition, portions of the regulations need to be updated due to changes in regulations and statutes:

- 1) Delete the term ‘professional’ from the ‘professional clear’ due to changes in Education Code section 44277 in 2007;
- 2) Update the California Basic Skills Educational Skill Test (CBEST) to the Basic Skills Requirement as specified in Education Code section 44252;
- 3) Update the list of prerequisite credentials to include the new title of Teacher Librarian Services Credential and the new Speech-Language Pathology Services Credential;
- 4) Update the wording for the valid period of the credential; and
- 5) Align the ‘employing agency’ definition with other sections of regulations.

Finally, changes to the regulations are proposed to address the recommendations made by the Administrative Services Credential Panel that were approved by the Commission:

- 1) Requiring an individual to hold a clear or life prerequisite credential; and
- 2) Increasing the number of years of experience to earn the preliminary credential.

#### PROPOSED AMENDMENTS

The Administrative Services Credential Advisory Panel was appointed by the Executive Director to study of the preparation of leaders for California schools. The major purpose of the panel’s work was to review the content, structure and requirements for administrator

preparation to ensure that these remain appropriate to the needs of administrators serving in California schools today.

The panel’s recommendations were presented to and approved by the Commission in December 2011 and staff was directed to propose regulatory changes to reflect the approved recommendations. The main changes focus on the experience and prerequisite credential requirements for the Preliminary credential and ensuring that California has effective leaders serving in administrative positions.

#### *Experience Requirement*

The primary change in the proposed regulations concerns the number of years of experience required to earn the Preliminary credential. The Commission believes that previous experience in schools is a significant component in the readiness of a potential educational leader.

Support for increasing the number of years of experience required for the credential is based on the rationale that three years of experience is insufficient for a beginning administrator in today’s schools. Additional experience will allow the candidate to gain critical knowledge of the education profession and requisite leadership skills. Specifically, for most teachers completion of an induction program, which is usually a two-year program, is required before the clear credential is earned. Under the current structure, the teacher would need only one additional year of classroom experience to meet the experience requirement for a preliminary administrative services credential. Holders of other prerequisite credentials also need additional time serving in their new authorization to gain experience prior to taking on a new role as an administrator and gain the expertise to become the instructional leader of a school.

With the increasing complexity of the administrator role in public schools, administrators are intently focused on instructional leadership and improvement of student academic outcomes. A new administrator with only three years of experience does not have enough background to serve effectively in the ever-changing administrator role. Meaningful learning happens in context and three years is not sufficient to gain the value-added special skills to serve as an administrator.

Administrators provide leadership in education settings. They function at the site level as principal and vice principals and at the district and county level as coordinators, department heads and superintendents. Administrators perform a wide array of tasks, depending in part on their particular job title, but also on the size and structure of the district. Examples of those tasks include providing technical support, conducting certificated and classified staff evaluations, leading the personnel division, developing and supporting instruction and curriculum, providing and interpreting data

analyses, disciplining students, certificated staff and classified staff, organizing and conducting professional development, supporting special education assessment and programs, making certain schools are clean and well-maintained, coordinating alternative and bilingual education programs, managing categorical funds, coordinating school safety programs, and representing the school or district to the public.

Principals are critical for school reform efforts including changes to climate, culture, and student achievement and they accomplish these efforts through both direct and indirect means. Principals are fundamental for establishing a common school vision that anticipates reform efforts will take multiple years and facilitates development of a common school culture that reflects high expectations for student growth (The Center for the Future of Teaching and Learning, 2011). Principals can utilize several “. . . key ‘avenues of influence:’ people, purposes and goals of the school, structure of the school and social networks, and organizational culture.” (Hallinger & Heck, 1996)

For example, teacher retention increases when the school principal is committed to staying and working through challenges. Establishing common school values takes time and changes in school leadership derail schools’ reform efforts, particularly if teacher retention is also low. The Texas Project reported that, on average, elementary school principals stay 5 years while high school principals stay only 3.8 years. (Texas High School Project Leadership Initiative, Fuller and Young, Summer 2009). Despite principals’ knowledge and skills, demographic and fiscal challenges further complicate their capacity to be effective. These challenges can intersect causing changes in student to staff ratios. Requiring the additional years of experience before an individual may earn the preliminary administrative services credential should lead to a higher number of administrators who stay in their positions beyond the first few years as an administrator.

For holders of prerequisite services credentials, while not required to complete an induction program, three years of experience as a counselor, speech therapist, or school nurse is not sufficient to meet the needs to serve as a beginning administrator. Additional time serving in their new authorization is necessary to gain experience prior to taking on a new role as an administrator. The holder of a Teacher Librarian Services Credential is required to hold a prerequisite teaching credential.

*Prerequisite Credential*

In conjunction with the proposed change to increase the number of years of experience, the Commission approved the recommendation from the Administrative Services Advisory Panel to amend the regulations to allow for the holder of a clear or life credential as the ap-

propriate prerequisite credential. The preliminary credential would not be an appropriate prerequisite. An individual holding both preliminary teaching/services and administrative credentials has trouble earning both clear credentials as the requirements are different and require serving in each credential area to earn the clear credential. It is rare that an individual would be employed in simultaneous teaching/service and administrative positions. It creates a no-win situation for the preliminary teaching or services credential that does not allow for successful achievement as one of the preliminary credentials will expire, possibly causing an individual to have to quit one job to finish the requirements for the second preliminary credential.

If all administrators were required to hold the clear or life teaching or services prerequisite credential prior to earning the preliminary administrative credential, it would allow the individual to first focus on earning the clear teaching or services credential. Then the individual could turn his or her focus to the requirements for the clear administrative services credential while also learning how to be an effective administrator. The new administrator would be able to focus on the first years as an administrator and completing the requirements for the clear administrative credential.

***Anticipated Benefits from the Proposed Regulations:*** The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for California prepared individuals seeking Administrative Services Credentials.

***Evaluation of Inconsistency/Incompatibility with Existing State Regulations:*** The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the issuance of Administrative Services Credentials to California prepared individuals.

DOCUMENTS INCORPORATED  
BY REFERENCE

*Administrative Services Credentials Program Standards* (revised 9/11) <http://www.ctc.ca.gov/educator-prep/STDS-prep-program.html>.

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

from programs offering academic and professional preparation in education. There are different types of program standards.

**Preconditions**

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

**Common Standards**

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

**Educator Preparation Program Standards**

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

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

Recommendations approved by the Commission at the November and December 2011 meeting

<http://www.ctc.ca.gov/commission/agendas/2011-11/2011-11-5B.pdf>

<http://www.ctc.ca.gov/commission/agendas/2011-12/2011-12-5A.pdf>.

Exploring the Principal’s Contribution to School Effective: 1980–1995 (Phillip Hallinger and Ronald H. Heck)

[http://www.philiphallinger.com/papers/SESI\\_reprint.pdf](http://www.philiphallinger.com/papers/SESI_review_reprint.pdf) (page 171)

The Center for the Future of Teaching and Learning, 2011

<http://www.cftl.org/documents/2011/schoolleadership.pdf> (pages 4–6)

Tenure and Retention of Newly Hired Principals in Texas (Ed Fuller and Michelle D. Young)

[http://www.ucea.org/storage/principal/IB%20Principal%20Tenure%20and%20Retention%](http://www.ucea.org/storage/principal/IB%20Principal%20Tenure%20and%20Retention%20in%20Texas%20of%20Newly%20Hired%20Principals%208%2009.pdf)

[20in%20Texas%20of%20Newly%20Hired%20Principals 10 8 09.pdf](http://www.ucea.org/storage/principal/IB%20Principal%20Tenure%20and%20Retention%20in%20Texas%20of%20Newly%20Hired%20Principals%208%2009.pdf)

*Economic Impact Assessment* — Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Administrative Services Credential

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

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

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

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

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

*Significant effect on housing costs:* None.

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

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

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

*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]:* The Commission has made an assessment that the proposed amendments to the regulations will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed regulations will not benefit nor adversely affect the health and welfare of California residents, worker safety, or the State’s environment.

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

CONSIDERATION OF ALTERNATIVES

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

sons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. No reasonable alternatives have yet been proposed to or considered by the Commission, as the regulations do not affect small businesses. In addition, no alternatives have yet been proposed that will be less burdensome and equally effective.

#### CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by email at [tfesperman@ctc.ca.gov](mailto:tfesperman@ctc.ca.gov), by telephone at (916) 323-5777 or Terri H. Fesperman, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Tammy Duggan at (916) 323-5354 or at the address provided in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

#### MODIFICATION OF PROPOSED ACTION

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

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's website

at [www.ctc.ca.gov](http://www.ctc.ca.gov) or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).

### TITLE 11. DEPARTMENT OF JUSTICE

#### NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE OFFICE OF THE ATTORNEY GENERAL

NOTICE IS HEREBY GIVEN that the Department of Justice, Office of the Attorney General, pursuant to the authority set forth in section 87306 of the Government Code, proposes amendments to its Conflict of Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306, of the Government Code.

The Political Reform Act (Gov. Code, § 81000 et seq.) requires each government agency to adopt a conflict of interest code, and agency personnel covered by the code to periodically file a financial disclosure statement known as a statement of economic interests. (See Gov. Code, §§ 87300 and 87302.) Among other things, an agency's conflict of interest code must enumerate employee positions with the agency that involve the making of or participation in the making of decisions that may foreseeably have a material financial effect on any economic interest of the employee and, for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income and gifts which are required to be disclosed on the statement of economic interests. (Gov. Code, § 87302.)

The Department of Justice, Office of the Attorney General proposes to amend its conflict of interest code due to the creation of new employee positions and the reorganization of existing employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The amendments are as follows:

#### **1. Designated Positions in the E-Crime Unit**

The amended Code designates new positions within the E-Crime Unit under the Division of Criminal Law, based upon their ability to affect specified financial interests. It tailors the disclosure obligations for these em-

ployees under newly-created disclosure category 15 to include any interest in or income from financial institutions and business entities that engage in the manufacture, marketing, sale, or distribution of information technology or entertainment products. These new positions are:

- Deputy Attorneys General, Deputy Attorneys General III, IV, and Supervising Deputy Attorneys General in the E-Crime Unit
- Privacy Officer in the E-Crime Unit
- All auditors in the E-Crime Unit

**2. Changes in the Department’s Organizational Structure**

The amendments add the position of “Deputy Attorneys General, Deputy Attorneys General III, IV, and Supervising Deputy Attorneys General in the Labor Office” to reflect an organizational change in the Department.

The amended Code adds the positions of “Staff Services Managers I, II, and III” to the Division of California Justice Information Services to reflect the transfer of these positions and their incumbent employees from the Division of Law Enforcement.

The amended Code deletes certain positions that are vacant and will not be utilized in the future. Those positions are:

- Department of Justice Administrators II and III, Executive Office and Programs
- Crime Prevention Specialists or Crime Prevention Program Supervisors who are regularly assigned tasks involving the development, review, or award of bids/contracts, Division of Criminal Law (these functions have been transferred to the Division of Administrative Support)
- Senior Information Systems Analyst (Spec.), Division of Administrative Support
- Criminalist Managers, Division of Administrative Support

**3. Changes to Disclosure Categories**

The amended Code deletes two disclosure categories, 15 and 16, which have no current assigned employees. It creates a new disclosure category 15, which requires the newly designated employees in the E-Crime Unit to disclose their interests in financial institutions and business entities that engage in the manufacture, marketing, sale, or distribution of information technology or entertainment products. Finally, it renumbers disclosure category 19 to 16, because 16 was deleted and otherwise vacant.

The amended Code also makes other technical changes to reflect the current organizational structure of the Department.

Copies of the proposed amendments and the amended Code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments or contentions relating to proposed amendments by submitting them in writing no later than December 10, 2012, 4:30 p.m., or at the conclusion of the public hearing, if one is requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person’s representative requests a public hearing, he or she must do so no later than 5:00 p.m., November 26, 2012 by contacting the Contact Person set forth below. If a public hearing is requested, it will be held on December 11, 2012 at 10:00 a.m. at the Office of the Attorney General, 1300 I Street, Sacramento, California.

After completion of the written comment period/hearing, the Department of Justice, Office of the Attorney General may adopt the proposed amendments if they remain substantially the same as described in the text originally made available to the public. The Department of Justice, Office of the Attorney General may make changes to the proposed amendments prior to their adoption so long as the text of any modified amendment is made available to the public at least 15 days before the Department of Justice, Office of the Attorney General adopts the amendments. A request for the modified text should be made to the Contact Person set forth below. The Department of Justice, Office of the Attorney General will accept written comments on the modified amendments, addressed to the Contact Person set forth below, for 15 days after the date on which the text of any modified amendments is made available.

The Department of Justice, Office of the Attorney General has prepared a written explanation of the reasons for the proposed amendments (Initial Statement of Reasons) and has available the information on which the amendments are based. Copies of the proposed amendments, the Initial Statement of Reasons and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Justice, Office of the Attorney General has determined that the proposed amendments:

- (1) Impose no mandate on local agencies or school districts.
- (2) Impose no costs or savings on any state agency.
- (3) Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

- (4) Will not result in any nondiscretionary costs or savings to local agencies.
- (5) Will not result in any costs or savings in federal funding to the state.
- (6) Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Justice, Office of the Attorney General must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

**Contact Person:** All inquiries concerning this proposed amendment and any communications required by this notice should be directed to:

Ted Prim, Deputy Attorney General  
Government Law Section  
1300 I Street, 17th Floor  
Sacramento, CA 95814  
Ted.Prim@doj.ca.gov  
(916) 324-5481

## **TITLE 14. FISH AND GAME COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 702, 7071, and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, 220, 1802, 5508, 5509, 7071, 8585.5, 8586, of the Fish and Game Code, 50 CFR Part 660, Subpart G; 50 CFR 660.384; and Title 14 CCR 27.20, proposes to amend sections 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, and 28.58, Title 14, California Code of Regulations, relating to recreational fishing regulations for federal groundfish and associated species for consistency with federal rules for 2013 and 2014.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Under California law (California Fish and Game Code sections 200 and 205), the California Fish and Game Commission (Commission) adopts regulations for recreational groundfish fishing in state waters zero to three miles from shore. The Pacific Fishery Management Council (Council) recommends management measures for jointly managed fisheries operating in federal waters three to 200 miles from shore. These measures are then implemented into federal law. For consistency the Commission routinely adopts regulations to bring state law into conformance with federal law for groundfish and other federally-managed species, a regular process which occurs biennially.

Existing law authorizes the recreational take of groundfish with a sport license subject to regulations set forth by federal and state authorities. Current regulations establish season lengths, depth constraints, methods of take, and size and bag limits within the six groundfish management areas for all federal groundfish and associated species.

At its June 2012 meeting in San Mateo, the Council recommended regulatory changes for recreational groundfish fishing in California in 2013 and 2014. These changes were intended to provide additional opportunities where appropriate or constrain catches to keep within allowable limits.

### Proposed Amendments to Season Length and Depth Constraints

The proposed changes to seasons for 2013–2014 (Table 1) will reduce regulatory complexity in the Northern and Mendocino Management Areas by providing consistent opening dates in each year. The Mendocino Management Area will also receive increased opportunities from a longer season that extends through Labor Day, based on a small increase in the allowable take level for yelloweye rockfish.

The proposed regulation modifies the Southern Management Area depth constraint from 60 fathoms to 50 fathoms.

Table 1. Season structure and depth constraints for the 2013 and 2014, as recommended by the Council in June 2012.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Northern	Closed				May 15–Oct 31, <20fm						Closed			
Mendocino	Closed				May 15–Sep 2, <20fm <sup>1</sup>			May 15–Sep 1, <20fm <sup>2</sup>					Closed	
San Francisco	Closed				Jun 1–Dec 31, <30fm									
Central	Closed				May 1–Dec 31, <40fm									
Southern	Closed		Mar 1–Dec 31, <50fm											
CCA	Closed		Mar 1–Dec 31, <20fm											

<sup>1</sup> Fishing is allowed from May 15 Through September 2, 2013, in the Mendocino Management Area.

<sup>2</sup> Fishing is allowed from May 15 Through September 1, 2014, in the Mendocino Management Area.

**Bocaccio Recreational Size Limit, Fillet Length Limit and Bag Limit**

Bocaccio are the only rockfish in the recreational fishery with a minimum size limit, which is ten inches [subsection 28.55(c), Title 14, California Code of Regulations (CCR)]. The proposed regulation will repeal the bocaccio minimum size limit and the corresponding fillet length limit.

The proposed regulation will increase the bocaccio sub-bag limit from two fish to three fish within the 10-fish Rockfish, Cabezon, Greenling (RCG) complex bag limit.

**Species or Species Groups which may be Taken or Possessed in Cowcod Conservation Areas (CCAs)**

Currently all shelf rockfish [as defined in subsection 1.91(a)(3), Title 14, CCR] taken in the CCA must be discarded. The proposed regulation will authorize take and possession of shelf rockfish in the CCA during the open season for groundfish in depths shallower than 20 fathoms. Retention of bronzed spotted rockfish, canary rockfish, cowcod, and yelloweye rockfish will remain prohibited in the CCA, as they are in all areas of the state.

**SUMMARY OF PROPOSED AMENDMENTS**

1. Season structure and depth constraints will be amended as outlined in Table 1.
2. Regulations regarding bocaccio minimum size limit and fillet length limit would be repealed.

3. Regulation regarding the bocaccio sub-bag limit within the RGC complex will be amended to allow for a three fish sub-bag limit.
4. Regulations regarding take and possession of species and/or species groups in the Cowcod Conservation Area will be amended to allow take and possession of shelf rockfish. Take and possession of bronzed spotted rockfish, canary rockfish, cowcod, and yelloweye rockfish will remain prohibited.

The Commission anticipates benefits to the environment by the sustainable management of California’s groundfish resources.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of California’s wildlife.

The Commission does not anticipate any non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Radisson Hotel–LAX, 6225 West Century Blvd., Los Angeles, Califor-

nia, on Wednesday, November 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hilton San Diego–Mission Valley, 901 Camino del Rio South, San Diego, California, on Wednesday, December 12, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653–5040, or by e–mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e–mailed to the Commission office, must be received before 5:00 p.m. on December 7, 2012.** All comments must be received no later than December 12, 2012, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in **strikeout–underline** format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Paul Hamdorf, Marine Region, Department of Fish and Game, phone (562) 342–7210, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a

copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

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. The proposed changes are consistent with the continued preservation of the resource and therefore should prevent adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes which may or may not include changes to fishing regulations. Additionally, the long–term intent of the proposed action is to provide for increased opportunity for sustainable harvest of fishable stocks and, subsequently, the promotion and long–term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of California’s wildlife.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

(c) Cost Impacts on a Representative Private Person or Business:

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

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

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.

**TITLE 16. BOARD OF PHARMACY**

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 of Pharmacy at its office not later than 5:00 p.m. on December 3, 2012.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 15 days before the close of the written comment period.

The Board of Pharmacy, 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 4005 of the Business and Professions Code; and to implement, interpret or make specific Sections 480, 726, 820, 4005, 4030, 4200, 4300, 4301, and 4400 of the Business and Professions Code, and interpret or make specific Sections 11055, 11153, 11154, 11166, 11200 of the Health and Safety Code, the Board of Pharmacy is proposing to amend Sections 1745 and 1769 of, and add Section 1762 to Division 17 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

In July 2009, the Los Angeles Times published an article indicating that the Board of Registered Nursing often takes years to take disciplinary action on complaints of egregious misconduct, while the licensees were still practicing. These articles exposed the need for healing arts boards within the Department of Consumer Affairs (DCA) to improve the enforcement process to ensure patient safety.

As a result of the LA Times article, the DCA held an informational hearing and investigated the problems that were addressed in the article. The DCA developed a report (Department of Consumer Affairs "*Consumer Protection Enforcement Initiative BCP Independent Verification & Validation Report*, [CPEI] March 2010") regarding the existing enforcement problems and made recommendations for improving the enforcement programs of healing arts boards. The DCA also sponsored legislation, Senate Bill 1111 (Negrete McLeod), during the 2009-2010 Legislative Session to codify many of the recommendations within the report; however, the bill failed to be enacted.

When the bill failed to be enacted into law, the DCA encouraged healing arts boards to pursue regulatory ac-

tion to assist the boards with investigating and prosecuting complaints in a timely manner, and to provide the boards with tools to improve the enforcement process and ensure patient safety.

For this purpose the Board of Pharmacy (“Board”) proposes to amend Section 1769 of, and add Section 1762 to Division 17 of Title 16 of the California Code of Regulations (“CCR”) to effect additional consumer protections through exercising its licensing, regulatory and disciplinary functions.

In addition to the acts that constitute unprofessional conduct found at Business and Professions Code Section 4301, the Board has determined it would be necessary to protect the public by taking action against the holder of any licensee who is guilty of the acts specified in its proposal. Thus, the Board proposes to add Section 1762 to Title 16 CCR. The additional acts that would constitute unprofessional conduct include: gag clauses in a civil suit settlement; failure to provide information as requested by the board; failure to comply with a court order or subpoena for records. In addition, the Board’s proposal would authorize the board to revoke a license or deny an application for an act requiring an individual to register as a sex offender pursuant to Section 290 of the Penal Code or any other equivalent federal, state or territory’s law that requires such registration.

Existing regulations at 16 CCR § 1769 specifies information that the Board will consider when evaluating the rehabilitation of an applicant and when considering the denial of a license under Section 480 of the Business and Professions Code. The Board’s proposal would allow the Board to request that an applicant for licensure undergo an examination as specified to determine if the applicant is safe to practice. This proposal is one measure in response to the DCA CPEI and would allow the Board to pursue regulatory action to assist with the investigation of an applicant for the purpose of ensuring patient safety. Specifically, the Board’s proposal would provide the board with the authority to require an applicant for licensure to be examined by a physician and surgeon, or psychologist if the applicant appears to be unable to safely practice due to a mental illness or physical illness that affects competency. If the applicant does not comply with evaluation, the application will be deemed incomplete. The report of the evaluation would be provided to the applicant and the board is responsible for the cost of the examination. The Board’s proposal would authorize the Board to deny the application if the evaluation demonstrates that the applicant is unable to safely practice.

Existing regulation at Section 1745 of Title 16 of the California Code of regulations specifies the circumstances under which a prescription for a Schedule II controlled substance may be partially filled. This regulation became operative in 1992. The board has re-

ceived requests to allow a pharmacy — when partially filling a Schedule II controlled substance — to record the date and amount that was partially filled in the pharmacy’s electronic record, and not be required to also record that information on an original prescription document. Since the section became operative in 1992, pharmacies have increasingly utilized technology for the purpose of maintaining pharmacy and prescription records. Likewise, current federal regulation at 21 CFR 1306.13(b) allows a pharmacy to document the partial filling of a Schedule II controlled substance either on an original prescription document or in the electronic prescription record. The Board’s proposal will align California’s regulation to federal regulatory requirements.

**Consistency and Compatibility with Existing State and Federal Regulations**

The Board has evaluated this regulatory proposal and has determined it is not inconsistent nor incompatible with existing state regulations.

The Board conducted a search of Title 21 Code of Federal Regulations (Food and Drugs), and has identified Title 21 CFR Section 1306.13 as a comparable regulation to the Board’s proposal at Section 1745.

With regard to the Board’s proposals at Section 1762 and 1769, related to the DCA’s Consumer Protection Enforcement Initiative, the board searched Title 16 of the California Code of Regulations and found the following regulations that may be similar to the Board’s Proposals:

“Unprofessional Conduct”

- 16 CCR § 317 — Board of Chiropractic Examiners
- 16 CCR § 3541, 3542, 1399.521, 1399.525 — Physician Assistant Committee
- 16 CCR § 1018.05 — Dental Board of California
- 16 CCR § 1376 — Medical Board of California
- 16 CCR § 1397.2 — Board of Psychology
- 16 CCR § 1399.24 — Physical Therapy Board of California
- 16 CCR § 1399.156 — Speech–Language Pathology Board
- 16 CCR § 1845, 1859, 1881 — Board of Behavioral Sciences
- 16 CCR § 2518.8 — Board of Vocational Nurse and Psychiatric Technician Examiners
- 16 CCR § 2857 — Bureau of Personnel Services
- 16 CCR § 4149 — Board of Occupational Therapy
- 16 CCR § 4260 — Naturopathic Medicine Committee

“Application Review and Criteria for Evaluating Rehabilitation”

16 CCR § 315 — State Board of Chiropractic Examiners  
 16 CCR § 1020 — Dental Board of California  
 16 CCR § 1399.507.5 — Physician Assistant Examining Committee of the Medical Board of California  
 16 CCR § 2509 — Board of Vocational Nurse and Psychiatric Technician Examiners  
 16 CCR § 4148 — Board of Occupational Therapy

Required Actions Against Sex Offenders

16 CCR § 1399.23 — Physical Therapy Board of California  
 16 CCR § 4148 — Board of Occupational Therapy  
 16 CCR § 1399.523.5 — Physician Assistant Examining Committee of the Medical Board of California  
 16 CCR § 2524.1, 2579.11 — Board of Vocational Nurse and Psychiatric Technician Examiners  
 16 CCR § 4256 — Naturopathic Medicine Committee

Anticipated Benefits of the Proposed Regulations: Please see “Benefits” below under “Results of the Economic Impact Analysis.” In coming to this conclusion, the board considered specific benefits anticipated by the proposed amendment of the sections described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: For each individual require an applicant for licensure to be examined by a physician and surgeon, or psychologist if the applicant appears to be unable to safely practice due to a mental illness or physical illness that affects competency, the Board may incur costs of approximately \$2,500.

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 businesses, including the ability of

California businesses to compete with businesses in other states. The Board’s proposal at § 1745 would allow a pharmacy to record information in either an electronic record or a prescription record; they are currently required to record the information in both, so the Board’s proposal would reduce an entity’s workload associated with the recording of a partial filling of a Schedule II controlled substance.

The Board’s proposal at § 1762 does not place any requirements on or require a business to incur any costs and does not place requirements on entities. Thus, the Board’s proposal would not result in any economic impact that would directly affect businesses, including the ability of California businesses to compete with businesses in other states.

The Board’s proposal at § 1769 does not place any requirements on or require a business to incur any costs associated with the examination that the Board would be authorized to require of an applicant and would result in no economic impact that directly affects businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. This determination is based on the fact that for an individual who is required to undergo an evaluation to determine if the applicant may be unable to safely practice due to mental illness or physical illness affecting competency, the cost of such an evaluation is paid by the Board.

Effect on Housing Costs: None.

Small Businesses: The board’s proposal may affect small businesses; however, the board does not have nor does it maintain data to determine if any of its licensed pharmacies are “small businesses” as defined in Government Code Section 11342.610.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Board of Pharmacy conducted an Economic Impact Analysis (EIA) and has made an initial determination that this regulatory proposal will not have a significant impact on the creation of new or elimination of existing jobs, businesses or the expansion of businesses in the State of California.

The Board’s proposed rulemaking will impact individuals and entities licensed by the board and may impact applicants for individual licenses issued by the board.

Benefits: Business and Professions Code section 4005 states that “the board may adopt rules and regulations. . . . pertaining to the practice of pharmacy . . . .”

As specified in Business and Professions Code Section 4001.1, protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. The board believes the regulatory changes proposed herein will serve to protect the public health by ensuring that applicants may be required to submit to an evaluation if it appears that the licensee is unable to safely practice due to mental illness or physical illness affecting competency; will authorize the board to revoke the license or deny the application of an individual who is required to register as a sex offender, as specified; and by establishing additional acts that constitute unprofessional conduct, for which the board may take disciplinary action.

#### CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy 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.

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the Contact Person.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's Web site <http://www.pharmacy.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board of Pharmacy's Web site ([www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)).

#### CONTACT PERSON

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

Name: Carolyn Klein  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7913  
Fax No.: (916) 574-8618  
E-Mail Address: [Carolyn.Klein@dca.ca.gov](mailto:Carolyn.Klein@dca.ca.gov)

The backup contact person is:

Name: Anne Sodergren  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7910  
Fax No.: (916) 574-8618  
E-Mail Address: [Anne.Sodergren@dca.ca.gov](mailto:Anne.Sodergren@dca.ca.gov)

Website Access. Materials regarding this proposal can be found at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

#### TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

#### NOTICE OF PROPOSED RULEMAKING

#### Financial Management Services — Participant-Directed Services

The Department of Developmental Services (Department) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 1, Subchapter 6: Service Provider Record Maintenance Requirements; Chapter 3, Subchapter 2: Vouchers; Chapter 3, Subchapter 18: Standard Rate Schedule, by amending sections 50604, 54355, and 58543. Additionally, the Department proposes to add, to Division 2, a new Subchapter 22: Financial Management Services —

Participant-Directed Services, new sections 58884, 58886, 58887, and 58888.

WRITTEN COMMENT PERIOD

Any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action of the Department. The written comment period closes at 5:00 p.m. on Monday, December 3, 2012. Please submit any written comments, via U.S. Mail, fax or email, to the Department's contact person designated below by that time and date.

NO PUBLIC HEARING

No public hearing is scheduled for this rulemaking. However, any interested person, or his or her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Sections 4405, 4648(a), 4648.12(c)(1)(B), 4688.21, 4690, 4690.1, and 4690.2, Welfare and Institutions Code; and Section 11152, Government Code.

Reference: Sections 4631, 4648(a), 4648.12(c), 4690 and 4690.1, Welfare and Institutions Code; 42 U.S.C. Section 1396n(c) (section 1915(c) of the Social Security Act).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, the Department offers voucher services to consumers and/or their families for which the State is reimbursed with Federal Financial Participation (FFP) as part of the renewal of the Home and Community-Based (HCBS) Waiver. The federal Center for Medicaid and Medicare Services (CMS) requires the use of a financial management service (FMS) provider when participating in the funding of voucher services for respite, day care, nursing, and transportation. These voucher services and new vouchered Community-based Training Program for Adults, when used in conjunction with FMS providers will become known as Participant-Directed Services.

The Department proposes to amend Sections 50604, 54355 and 58543, and add Sections 58884, 58886, 58887 and 58888 of Title 17, of the CCR, to add Participant-Directed Services and FMS for eligible

participants. Consistent with current regulations, regional centers may vendor providers as an FMS to carry out the responsibilities such as: assisting a vouchered family member or adult consumer in verifying worker eligibility status; collecting and processing timesheets of workers; processing payroll, withholdings, filing and payment of applicable federal, state and local employment-related taxes and insurance; performing billing payments and reimbursements as authorized; and maintaining all source documentation related to the authorized service(s). New service codes will be added to existing service codes to identify when these services are used in conjunction with the FMS and the rates of reimbursement for these services.

The adoption of these regulations is consistent with the Department's objective to maximize FFP funding through the HCBS Waiver and to receive funds for the 1915(i) State Plan Amendment that is currently under review with CMS.

Anticipated Benefits of the Proposed Regulations: The proposed regulations will benefit persons with developmental disabilities and their families by ensuring the continuance of federal funding and the preservation of this service delivery modality (vouchers) which is currently used by many recipients as a component to their avoidance of institutional care. The proposed regulations allow for the implementation of the FMS providers with the objective of helping families and consumers in meeting their current vendor requirements pursuant to applicable Federal and State law covering mandated payroll costs, as well as provide a mechanism for transparency for how these funds are expended.

Evaluation of Consistency/Compatibility with Existing State Regulations: After conducting a review of existing State regulations, the Department has concluded that these are the only regulations dealing with this subject area, and therefore, the regulations are neither inconsistent nor incompatible with the existing State regulations.

IMPACT OF REGULATORY ACTIONS

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: 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. The

proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) 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.
- (c) Costs or savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (d) Nondiscretionary Costs/Savings to Local Agencies: None.
- (e) Programs Mandated on Local Agencies or School Districts: None.
- (f) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (g) Effect on Housing Costs: None.
- (h) Effect on Small Business: It has been determined that the adoption of these regulations will not affect small businesses. This initial determination is based on the following fact: The proposed changes provide requirements to 21 non-profit regional centers under contract with the Department. Pursuant to Government Code section 11342.610 (b)(6), "An entity organized as a nonprofit institution" is not considered a "small business." Therefore it is determined that the adoption of these regulations will not affect small businesses.

#### RESULTS OF THE ECONOMIC IMPACT STATEMENT

- (a) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (b) Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The proposed changes are in concurrence with federal requirements and current State regulations for voucher services. They provide additional protections for families and consumers by providing assistance with meeting employment law and payroll tax requirements. Additionally, the proposed changes will provide opportunities to families and consumers by allowing them to customize day services in order to meet their individualized needs; have opportunities to further

the development or maintenance of employment and volunteer activities; direct their day services; and increase their ability to lead integrated and inclusive lives.

#### PLAIN ENGLISH OVERVIEW

The proposed regulations are considered non-technical and the Department has drafted the regulations in Plain English pursuant to Government Code sections 11343.580 and 11346.2(a)(1).

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

General and substantive inquiries concerning the proposed action may be directed to:

Department of Developmental Services  
Community Rate Section  
1600 Ninth Street, Room 310  
Sacramento, CA 95814  
Attention: Diana Nicolaou  
Phone: (916) 654-1760  
Facsimile: (916) 654-3641  
E-mail Address: [Diana.Nicolaou@dds.ca.gov](mailto:Diana.Nicolaou@dds.ca.gov)

If the above person is unavailable, you may also contact Jeffrey Greer, at (916) 654-2201. E-mail Address: [jeff.greer@dds.ca.gov](mailto:jeff.greer@dds.ca.gov).

#### AVAILABILITY OF RULEMAKING DOCUMENTS

The Department has prepared and has copies ready for public review, an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the exact text of the proposed regulations.

Copies of the Notice, the Initial Statement of Reasons and text of the proposed regulations will be made available through the Department's website at [www.dds.ca.gov](http://www.dds.ca.gov). All other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above address. Upon completion, the Final Statement of Reasons will be made available by either contacting the persons above or through the Department's website.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After close of the comment period the Department may adopt the proposed regulations as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before the Department adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF HEALTH CARE  
SERVICES**

**THE DEPARTMENT OF HEALTH CARE  
SERVICES PROPOSES TO EXEMPT  
AUDIOLOGISTS PROVIDING SERVICES AS  
COMMUNICATION DISORDER CENTERS—TYPE  
C LOCATED IN THE BAY AREA REGION FROM  
THE MEDI-CAL TEN PERCENT PROVIDER  
PAYMENT REDUCTION**

This notice provides information of public interest about the California Department of Health Care Services' (DHCS') proposal to exempt Audiologists designated by DHCS as Communication Disorder Centers (CDCs)—Type C, located in the counties of Alameda, San Benito, Santa Clara, Santa Cruz, San Francisco and Sonoma, from the ten percent payment reduction as enacted by Assembly Bill (AB) 97 (Statutes of 2011). CDCs—Type C serves children under the age of 21 that are enrolled in the California Children's Services (CCS)

Program. This exemption will be effective for dates of service on or after October 19, 2012.

AB 97 added section 14105.192 to the Welfare and Institutions Code which requires DHCS to reduce provider payments up to 10 percent for various outpatient services, effective for dates of service on or after June 1, 2011. Paragraph (4) of subdivision (d) of section 14105.192 authorizes the Director of DHCS to adjust the payment reductions specified in section 14105.192 with respect to particular provider types, products, or services. The adjustments may be to zero, which would result in a total exemption from any payment reduction for the particular provider type, product, or service.

The exemption is being made to ensure that Medi-Cal beneficiaries participating in the CCS Program have access to audiology services in the Bay Area region.

**PUBLIC REVIEW AND COMMENTS**

The California statutory provisions discussed above are available for public review at county welfare offices throughout the State. Written comments (or requests for copies of the statutes) may be submitted to: Arlene Sakazaki, Chief, Provider Rate Section; Fee-For-Service Rates Development; Department of Health Care Services; MS 4600, P.O. Box 997417, Sacramento, CA 95899-7417.

**OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD**

**NOTICE OF CORRECTION**

The Notice Publication/Regulations Submission, for Title 8, Construction Safety Orders (CSO), General Industry Safety Orders (GISO), and Ship Building, Ship Repairing and Ship Breaking Safety Orders (SBSRSBSO), Globally Harmonized System Update to Hazard Communication — Health (Horcher), was submitted by the Occupational Safety and Health Standards Board, to the Office of Administrative Law on September 18, 2012, for publication on September 28, 2012 (Notice File Number Z-2012-0918-01).

Editorial corrections need to be made to the heading for Globally Harmonized System Update to Hazard Communication — Health (Horcher). The editorial corrections will specify that Appendix B applies only to Section 1532.1 of the CSO; that Appendices A through G apply only to Section 5194 and that Appendix A applies only to Section 5202 of the GISO.

The following shows the editorial corrections in bold font:

**CONSTRUCTION SAFETY ORDERS**

Division 1, Subchapter 4, Article 4  
Sections 1529, 1532, and 1532.1  
Appendix B to Sections 1532.1;  
**Sections** 1532.2 and 1535

**GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Subchapter 7, Article 107, Section 5150  
Article 109, Sections 5189, 5190, 5191, 5192, and 5194  
Appendices A through G of Sections 5194 **and**  
**Section** 5198, and Appendix B to Section 5198  
Article 110, Sections 5200, 5201, and 5202  
Appendix A to Sections 5202,  
**Sections** 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218 and 5220

**SHIP BUILDING, SHIP REPAIRING AND SHIP BREAKING SAFETY ORDERS**

Division 1, Subchapter 18, Article 4, Sections 8358 and 8359

**Globally Harmonized System Update to Hazard Communication — Health (Horcher)**

Any inquiries regarding this correction should be made to Marley Hart, Executive Officer, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95933; telephone number (916) 274-5721 or email mhart@dir.ca.gov.

**DISAPPROVAL DECISION**

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions is available at [www.oal.ca.gov](http://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.

**FISH AND GAME COMMISSION**

**State of California  
Office of Administrative Law**

**In re:  
Fish and Game Commission**

**Regulatory Action: Title 14  
California Code of Regulations**

**Adopt sections: 550.5, 550, 551, 630**

**Amend sections: 552, 703**

**Repeal sections: 550, 551, 553, 630**

**DECISION OF DISAPPROVAL OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2012-0816-02 S**

SUMMARY OF REGULATORY ACTION

The Fish and Game Commission (Commission) proposed this action to consolidate and clarify existing regulations that govern the public use of lands that are under the jurisdiction of the Department of Fish and Game. The proposed action was intended to improve the consistency and enforceability of these regulations, provide a statewide procedure and fee for the issuance of special use permits, and designate six recently acquired Department of Fish and Game (Department) properties as ecological reserves and one recently acquired Department property as a wildlife area.

DECISION

On September 28, 2012, the Office of Administrative Law (OAL) notified the Commission of the disapproval of this regulatory action. The reasons for the disapproval were the failure to comply with the “necessity” and “clarity” standards of Government Code section 11349.1 and the failure to comply with required Administrative Procedure Act procedures due to omitted or defective rulemaking record documents.

Date: October 5, 2012

Richard L. Smith  
Senior Counsel

FOR: DEBRAM. CORNEZ  
Director

Original: Sonke Mastrup  
Copy: Sheri Tiemann

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2012-0827-03  
AIR RESOURCES BOARD  
California Phase 3 Reformulated Gasoline Regulation

This rulemaking action corrects nine erroneously transcribed coefficients in, and incorporates by reference the August 24, 2012 edition of, the Air Resources Board's (ARB's) California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model. The rulemaking also repeals an obsolete provision relating to gasoline sold from 1992 to 1996, changes the definition of "racing vehicle" to more closely conform to the U.S. EPA definition, requires producers who make summer-time gasoline early or all year long to meet all summer-gas specifications, requires producers or importers to notify ARB's Executive Officer in sufficient time prior to sale to enable ARB inspectors an opportunity to inspect the product, and makes other Phase 3 Reformulated Gasoline related changes.

Title 13  
California Code of Regulations  
AMEND: 2260, 2261, 2264, 2265, 2265.1, 2266, 2266.5, 2271 REPEAL: 2258  
Filed 10/09/2012  
Effective 10/09/2012  
Agency Contact: Trini Balcazar (916) 445-9564

File# 2012-0821-05  
AIR RESOURCES BOARD  
AB2 Cost of Implementation Fee Regulation

This regulatory action makes amendments to the AB 32 Fee Regulations. AB 32 created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California, with the overall goal of reducing emissions to 1990 levels by 2020. AB 32 authorizes ARB to adopt a schedule of fees to be paid by the sources of GHG emissions. These regulatory changes

to the Fee Regulation are primarily the result of recent amendments to the Mandatory Reporting Regulation (MRR) that became effective in late 2011, as well as other clarifying changes. The proposed amendments consist of changes that add, revise, or delete definitions; change or exclude emissions reporting for some entities; clarify provisions that caused confusion in the first year of implementation; and revise applicability to exclude certain small GHG emitters.

Title 17  
California Code of Regulations  
AMEND: 95201, 95202, 95203, 95204, 95205  
Filed 10/03/2012  
Effective 10/03/2012  
Agency Contact: Amy Whiting (916) 322-6533

File# 2012-0905-01  
CALIFORNIA HORSE RACING BOARD  
Prohibited Veterinary Practices

The California Horse Racing Board amended section 1867 of Title 4 of the California Code of Regulations, "Prohibited Veterinary Practices," to add ractopamine and zilpaterol, or their metabolites or analogues, to the list of drug substances whose possession and/or use of on the premises of a facility under the jurisdiction of the Board is considered a prohibited veterinary practice.

Title 4  
California Code of Regulations  
AMEND: 1867  
Filed 10/10/2012  
Effective 11/09/2012  
Agency Contact: Erica Ward (916) 263-6025

File# 2012-0904-02  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Dental and Medical Services Provided to Inmates

This Certificate of Compliance adopts provisions for dental and medical services provided to inmates pursuant to the Stipulated Order in Perez v. Tilton, CA-05-5241-JSW, and the Stipulation for Injunctive Relief and the Order Approving Receiver's Turnaround Plan of Action in Plata v. Schwarzenegger, 3:01-cv-01351-TEH.

Title 15  
California Code of Regulations  
ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358  
Filed 10/04/2012  
Effective 10/04/2012  
Agency Contact: Josh Jugum (916) 445-2228

File# 2012-0828-04  
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
 Federal HOME Investment Partnership Program

This rulemaking action by the Department of Housing and Community Development amends sections 8201, 8205, and 8212 of title 25 of the California Code of Regulations. These rules establish procedures for award, disbursement, and use of federal HOME Program funds, in accordance with comprehensive requirements prescribed in 24 CFR Part 92.

Title 25  
 California Code of Regulations  
 AMEND: 8201, 8205, 8212  
 Filed 10/10/2012  
 Effective 10/10/2012  
 Agency Contact: Lenora Frazier (916) 323-4475

File# 2012-0917-02  
 FAIR POLITICAL PRACTICES COMMISSION  
 Conflict of Interest Code: Reporting of Gifts

In this regulatory action, the Commission deals with the allowance of, and no reporting required of, gifts from outside the agency's jurisdiction if the purpose of disclosure of the source of the gift does not have some connection with or bearing upon the functions or duties of the position for which the reporting is required.

Title 2  
 California Code of Regulations  
 ADOPT: 18730.1  
 Filed 10/03/2012  
 Effective 11/02/2012  
 Agency Contact:  
 Virginia Latteri-Lopez (916) 322-5660

File# 2012-0829-01  
 FISH AND GAME COMMISSION  
 Upland Game Hunting

The Fish and Game Commission amended Title 14, section 300 of the California Code of Regulations in order to 1) provide hunting permit numbers for sage-grouse based on annual lek counts, 2) provide for junior quail hunting season on the Mojave National Preserve, and 3) increase the season length for fall wild turkey hunting from 16 to 30 days and season bag limit from 1 to 2 turkeys.

Title 14  
 California Code of Regulations  
 AMEND: 300  
 Filed 10/03/2012  
 Effective 10/06/2012  
 Agency Contact: Sheri Tiemann (916) 654-9872

File# 2012-0829-02  
 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
 Proposition 65 — Hexavalent Chromium Amendment

This rulemaking by the Office of Environmental Health Hazard Assessment amends section 25707 of Title 27 of the California Code of Regulations. Specifically, section 25707(b) is amended to delete chromium (hexavalent compounds) from the list of chemicals that present no significant risk of cancer by the route of ingestion.

Title 27  
 California Code of Regulations  
 AMEND: 25707  
 Filed 10/10/2012  
 Effective 11/09/2012  
 Agency Contact: Monet Vela (916) 323-2517

**CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN May 16, 2012 TO October 10, 2012**

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

**Title 2**  
 10/03/12 ADOPT: 18730.1  
 10/02/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193  
 09/20/12 ADOPT: 59730  
 09/19/12 AMEND: 1155.250, 1155.350  
 09/14/12 REPEAL: 52100  
 09/10/12 ADOPT: 59650  
 08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200  
 08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3  
 08/13/12 ADOPT: 59720  
 08/07/12 AMEND: 18640

07/16/12	AMEND: 18215.3		
07/09/12	ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8		3051.12, 3051.13, 3051.17, 3051.18, 3052, 3053, 3062, 3063, 3064, 3066, 3067, 3069, 3080, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3088.1, 3088.2, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099, 3100
06/28/12	AMEND: 649.32		
06/19/12	AMEND: 56800		
06/04/12	ADOPT: 18313.6		
05/29/12	AMEND: 20811(c)	09/06/12	AMEND: 1216.1
<b>Title 3</b>		08/09/12	AMEND: 40403
09/21/12	AMEND: 3437(b) and (c)	08/09/12	AMEND: 59400, 59402, 59404, 59406, 59408
09/18/12	AMEND: 6449.1, 6486.7	08/09/12	AMEND: 40500
09/12/12	AMEND: 3700(c)	08/09/12	ADOPT: 40541
09/12/12	AMEND: 3435(b)	08/09/12	AMEND: 40407.1
08/24/12	AMEND: 3406(b)	08/08/12	ADOPT: 40540
08/22/12	AMEND: 6800(b)	08/08/12	ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
08/20/12	AMEND: 3435(b)	07/31/12	AMEND: 19816, 19816.1, 19845.2
08/06/12	AMEND: 3435(b)	06/12/12	ADOPT: 18004 AMEND: 18000, 18001, 18002, 18003
06/19/12	ADOPT: 6970, 6972 AMEND: 6000	05/29/12	AMEND: 42600
05/17/12	AMEND: 4603(i)	<b>Title 7</b>	
<b>Title 4</b>		07/03/12	AMEND: 219
10/10/12	AMEND: 1867	<b>Title 8</b>	
09/27/12	AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540	10/02/12	ADOPT: 1613.11, 1613.12 AMEND: 1600, 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613, 1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1, 4885, 4999
09/12/12	ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392 AMEND: 12360	10/02/12	AMEND: 4297
09/04/12	AMEND: 10032, 10033, 10034, 10035	09/25/12	AMEND: 2950, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427 REPEAL: 3428
08/30/12	ADOPT: 1489.1	09/05/12	AMEND: 1512, 2320.10, 2940.10
08/29/12	ADOPT: 5205 AMEND: 5000, 5054, 5144, 5190, 5200, 5230, 5370, 5170, 5350 REPEAL: 5133	09/04/12	AMEND: 5189, 5192(a)(3), 5198(j)(2)(D)2., 1532.1(j)(2)(D)2.
08/01/12	ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580	08/07/12	ADOPT: 3558 AMEND: 3207, 4184
08/01/12	AMEND: 5000, 5052	07/30/12	ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604
07/26/12	AMEND: 8070	05/21/12	ADOPT: 10582.5, 10770.1 AMEND: 10770
07/26/12	AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354	<b>Title 9</b>	
07/23/12	AMEND: 8035	07/27/12	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358, 7400
07/16/12	AMEND: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057	<b>Title 10</b>	
06/25/12	AMEND: 8070, 8071, 8072, 8078, 8078.2	08/30/12	AMEND: 2468.5
06/25/12	AMEND: 1663	08/27/12	AMEND: 260.204.9
06/06/12	AMEND: 1843.3	08/22/12	ADOPT: 2327, 2327.1, 2327.2
06/01/12	ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133	08/03/12	ADOPT: 2561.1, 2561.2
<b>Title 5</b>		07/19/12	AMEND: 2698.302
09/27/12	ADOPT: 620, 621, 622, 623, 624, 625, 626, 627	07/19/12	AMEND: 2699.301
09/27/12	AMEND: 3000, 3010, 3021, 3021.1, 3022, 3023, 3024, 3025, 3027, 3028, 3042, 3051.4, 3051.75, 3051.8, 3051.9,	07/19/12	AMEND: 5501, 5506
		05/31/12	AMEND: 2318.6, 2353.1, 2354

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 42-Z**

**Title 11**

09/18/12 AMEND: 410, 411, 415, 416, 417, 420, 421, 425 REPEAL: 419, 419.1  
 07/31/12 AMEND: 999.16, 999.17, 999.19, 999.22  
 06/26/12 AMEND: 1005, 1007, 1008  
 06/21/12 AMEND: 1005, 1007

**Title 12**

06/04/12 AMEND: 506

**Title 13**

10/09/12 AMEND: 2260, 2261, 2264, 2265, 2265.1, 2266, 2266.5, 2271 REPEAL: 2258  
 09/25/12 AMEND: 156.00, 156.01  
 09/14/12 AMEND: 2479  
 08/07/12 ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)  
 08/07/12 ADOPT: 1961.2, 1961.3 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, 2317  
 08/02/12 ADOPT: 426.00  
 07/30/12 AMEND: 1268, 1270.3  
 07/12/12 ADOPT: 345.58, 345.73 AMEND: 345.50, 345.52, 345.56, 345.74, 345.78, 345.86, 345.88, 345.90 REPEAL: 345.54, 345.58, 345.60  
 06/29/12 AMEND: 225.00, 225.03, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.35, 225.36, 225.38, 225.42, 225.45, 225.54, 225.60, 225.63, 225.66, 225.69, 225.72 REPEAL: 225.06

**Title 13, 17**

09/14/12 AMEND: 2299.2, 93118.2

**Title 14**

10/03/12 AMEND: 300  
 10/02/12 AMEND: 632  
 09/27/12 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6  
 09/25/12 AMEND: 18660.40  
 09/21/12 AMEND: 502  
 09/12/12 AMEND: 18660.17, 18660.19, 18660.31  
 09/07/12 AMEND: 300  
 08/31/12 ADOPT: 671.8 AMEND: 671.1  
 08/14/12 AMEND: 13055  
 08/02/12 ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320  
 07/26/12 AMEND: 18836  
 07/12/12 AMEND: 790, 851.20, 851.21, 851.22, 851.25, 851.26, 851.27, 851.27.1, 851.28, 851.29, 851.30, 851.31, 851.32

07/09/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8

07/02/12 ADOPT: 602

06/28/12 ADOPT: 17944.1, 17945.1, 17945.4, 17946, 17946.5, 17948.1, 17948.2  
 AMEND: 17943, 17944, 17946(a)-(h) renumber as 17945.2, 17946(i) renumber as 17945.3, 17946.5 renumber as 17945.5, 17947, 17948, 17948.5, 17949  
 REPEAL: 17942, 17944.2, 17944.5, 17945

06/25/12 AMEND: 791.7

06/06/12 ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958

06/01/12 REPEAL: 660

05/30/12 AMEND: 11960

05/29/12 AMEND: 360, 361, 362, 363, 364, 365, 708.12

05/21/12 AMEND: 703

05/21/12 AMEND: 7.50

05/21/12 AMEND: 705

05/17/12 AMEND: 7.50

**Title 15**

10/04/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358

09/25/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757

09/13/12 AMEND: 3162

09/13/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323

08/29/12 AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744

08/20/12 AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1203, 1205, 1206, 1208, 1217, 1241

07/02/12 ADOPT: 3999.12

06/26/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757

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06/26/12	ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3	REPEAL: 54521, 54522, 54523, 54524, 54525
06/26/12	AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2	07/26/12 AMEND: 94006 06/15/12 AMEND: 6508
06/06/12	AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323	
<b>Title 16</b>		
09/25/12	AMEND: 1514, 1525.1	
09/25/12	AMEND: 3340.15, 3394.6	
09/12/12	AMEND: 961 REPEAL: 933	
09/10/12	ADOPT: 4116, 4117, 4118, 4119	
09/07/12	AMEND: 4	
08/30/12	ADOPT: 2557, 2557.1, 2557.2, 2557.3, 2595, 2595.1, 2595.2, 2595.3	
08/29/12	ADOPT: 4146, 4148, 4149, 4149.1 AMEND: 4100, 4101	
08/20/12	ADOPT: 1333, 1333.1, 1333.2, 1333.3	
07/23/12	ADOPT: 1397.2 AMEND: 1380.4	
07/17/12	ADOPT: 1399.23, 1399.24 AMEND: 1398.4	
07/10/12	ADOPT: 3394.25, 3394.26, 3394.27	
06/18/12	ADOPT: 1727.2 AMEND: 1728	
06/18/12	AMEND: 443	
06/14/12	ADOPT: 302.5	
05/25/12	ADOPT: 1399.364, 1399.375, 1399.377, 1399.381, 1399.384 AMEND: 1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.352.7, 1399.353, 1399.360, 1399.370, 1399.374, 1399.376 (renumbered to 1399.382), 1399.380, 1399.382 (renumbered to 1399.383), 1399.383 (renumbered to 1399.385), 1399.384 (renumbered to 1399.378), 1399.385 (renumbered to 1399.379), 1399.395 REPEAL: 1399.340, 1399.381, 1399.387, 1399.388, 1399.389, 1399.390, 1399.391	
05/17/12	ADOPT: 4544, 4600, 4602, 4604, 4606, 4608, 4610, 4620, 4622 AMEND: 4422, 4440, 4446, 4470	
<b>Title 17</b>		
10/03/12	AMEND: 95201, 95202, 95203, 95204, 95205	
09/04/12	ADOPT: 30305.1, 30308.1, 30311.1	
08/30/12	AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021	
08/29/12	AMEND: 100800	
08/15/12	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520	
<b>Title 18</b>		
08/07/12	AMEND: 1618	
07/27/12	AMEND: 1684	
07/10/12	AMEND: 1205, 1212, 1271	
07/10/12	AMEND: 1105, 1120, 1132, 1161	
07/10/12	AMEND: 1435, 1436	
07/10/12	AMEND: 25128.5	
<b>Title 21</b>		
08/28/12	AMEND: 6640, 6680	
<b>Title 22</b>		
09/06/12	ADOPT: 66269.2	
08/20/12	AMEND: 87224	
08/13/12	AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127	
07/12/12	AMEND: 66263.18, 66263.41, 66263.43, 66263.44, 66263.45, 66263.46	
07/12/12	AMEND: 66268.40, 66268.48	
07/09/12	AMEND: 4416	
07/03/12	AMEND: 51516.1	
06/28/12	AMEND: 91477	
06/21/12	AMEND: 50195, 50197, 50256, 50258, 50258.1, 50262, 50268, 50815, 51000.53	
06/12/12	AMEND: 66261.32	
05/24/12	AMEND: 90417	
05/22/12	ADOPT: 60098, 64400.05, 64400.29, 64400.36, 64400.41, 64400.66, 64400.90, 64402.30, 64400.46 AMEND: 60001, 60003, 63790, 63835, 64001, 64211, 64212, 64213, 64252, 64254, 64256, 64257, 64258, 64259, 64400.45, 64415, 64463.1, 64463.4, 64470, 64481, 64530, 64531, 64533, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536.6, 64537, 64537.2 REPEAL: 60430, 64002, 64439, 64468.5	
05/17/12	AMEND: 51240, 51305, 51476	
<b>Title 23</b>		
09/06/12	ADOPT: 3959.5	
08/08/12	ADOPT: 3969.2	
07/30/12	ADOPT: 2923	
07/11/12	ADOPT: 597, 597.1, 597.2, 597.3, 597.4	
07/05/12	AMEND: 570, 571, 572, 573, 574, 575, 576	
<b>Title 25</b>		
10/10/12	AMEND: 8201, 8205, 8212	
08/13/12	ADOPT: 7097 AMEND: 7054, 7056, 7058, 7060, 7062, 7062.1, 7072, 7076, 7078, 7104 REPEAL: 7064, 7066, 7074,	

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	7078.1, 7078.2, 7078.3, 7078.4, 7078.5, 7078.6, 7078.7	<b>Title MPP</b>	
06/07/12	ADOPT: 4326, 4328 AMEND: 4004, 4200, 4204, 4208	06/25/12	AMEND: 40-105.4(g)(1), 44-111.23, 44-113.2, 44-133.54(QR), 44-315.39(QR), 89-201.513
<b>Title 27</b>		06/25/12	AMEND: 41-440, 42-716, 42-717, 44-207
10/10/12	AMEND: 25707	06/25/12	AMEND: 40-107, 42-301, 42-302, 42-431, 42-712, 42-713, 42-716, 42-717, 42-721, 44-133, 44-307, 44-316, 82-833
09/20/12	AMEND: 25705(b)		
09/12/12	AMEND: 25403(a), 25603.3(a)		
07/12/12	AMEND: 25305, 25701, 25705, 25801		
06/18/12	AMEND: 25705		
<b>Title 28</b>			
09/06/12	ADOPT: 1300.74.73		