



California Regulatory Notice Register

REGISTER 2013, NO. 42-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 18, 2013

PROPOSED ACTION ON REGULATIONS

TITLE 2. CALIFORNIA TRANSPORTATION COMMISSION

Conflict of Interest Code — Notice File No. Z2013-1009-02 1589

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

Minimum Internal Control Standards (MICS) IV — Cages, Floor Banks, Equipment and Confidential Documents — Notice File No. Z2013-1004-01 1589

TITLE 7. BOARD OF PILOT COMMISSIONERS

Training Programs — Notice File No. Z2013-1008-07 1596

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Amend Reimbursement for Training Presentation — Notice File No. Z2013-1008-09 1599

TITLE 16. BOARD OF OPTOMETRY

Medical Evaluations and Unprofessional Conduct — Notice File No. Z2013-1008-11 1601

TITLE 18. BOARD OF EQUALIZATION

Computers, Programs, and Data Processing — Notice File No. Z2013-1008-04 1604

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

Drug Medi-Cal Rates (2011-2012) — Notice File No. Z2013-0923-01 1609

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

In-Home Supportive Services (IHSS) Health Care Certification — Notice File No. Z2013-1008-03 1612

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

In-Home Supportive Services (IHSS) Minor Recipients Living with Parents — Notice File No. Z2013-1008-02 1614

GENERAL PUBLIC INTEREST

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Caprolactam Reference Exposure Levels 1617

(Continued on next page)

Time-Dated Material

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Withdrawal of Notice of Intent to Change the Basis for Listing of Hexaflouroacetone and Phenylphosphine 1617

RULEMAKING PETITION DECISION

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Range Clearance Exception 1618

DISAPPROVAL DECISION

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Standards of Management of Hazardous Waste Solar Modules 1619

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1620

Sections Filed May 8, 2013 to October 9, 2013 1623

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.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

**TITLE 2. CALIFORNIA
TRANSPORTATION COMMISSION**

NOTICE IS HEREBY GIVEN that the California Transportation Commission, pursuant to the authority vested in it by 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 California Transportation Commission proposes to amend its conflict-of-interest code to include 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.

These amendments newly designate the positions of Principal Transportation Engineer, Supervising Transportation Engineer, Supervising Transportation Planner, and Members of the Technical Advisory Committee on Aeronautics. The amendments also add clarifying language and make other technical changes to reflect the current organizational structure of the Commission. Copies of 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 comments relating to the proposed amendments by submitting them in writing no later than December 9, 2013, or at the conclusion of the public hearing, if 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 not later than November 24, 2013 by contacting the person set forth below.

The California Transportation Commission has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are

based may be obtained by contacting the contact person set forth below.

The California Transportation Commission 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 California Transportation Commission has determined that there are no alternatives that 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.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

California Transportation Commission
Attention: Rosemary Mejia
1120 N Street, MS-52
Sacramento, CA 95814
(916) 654-4245
Rosemary_Mejia@dot.ca.gov

**TITLE 4. CALIFORNIA GAMBLING
CONTROL COMMISSION**

**NOTICE OF PROPOSED REGULATORY
ACTION AND PUBLIC HEARING
CONCERNING**

**MINIMUM INTERNAL CONTROL STANDARDS (MICS)
FOR GAMBLING ESTABLISHMENTS — PHASE IV:**

**CAGE OPERATION AND FUNCTIONS; SECURITY OF
FLOOR BANKS, GAMBLING EQUIPMENT AND
CONFIDENTIAL DOCUMENTS**

CGCC-GCA-2013-04-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative

Digest after consideration of all relevant public comments, objections and recommendations received concerning the proposed action. Comments, objections and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on December 2, 2013. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or e-mail, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on December 2, 2013. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.** Written comments will also be accepted at the public hearing described below.

PUBLIC HEARING

Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed regulatory action at a public hearing to be held at **10:00 a.m. on January 8, 2014**, in the Commission's Hearing Room located at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

ADOPTION OF PROPOSED ACTION

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19811, 19824, 19840, 19841, and 19924 of the Business and Professions Code; and to implement, interpret or make specific sections 19805, 19811, 19841, 19860, 19922, and 19924 of the Business and Professions Code,¹ the Commission is proposing to adopt the following changes to Chapter 7 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The California Gambling Control Commission (Commission) is the state agency charged with the administration and implementation of the California Gambling Control Act (Act).² The Commission is authorized to adopt regulations governing the operation of gambling establishments (cardrooms) in California.³ Specifically, the Commission is mandated to adopt regulations on the subjects enumerated in Business and Professions Code section 19841.⁴ Regulations concerning the establishment of minimum policies and procedures by owner licensees to exercise effective control over their gambling affairs have been prepared in compliance with section 19840⁵ and subdivisions (h) and (o) of section 19841.⁶

Gambling is the quintessential cash business and internal controls are the primary procedures used to protect the integrity of cardroom funds and games. Internal controls are therefore a vitally important part of properly regulated gambling.

SPECIFIC PROPOSAL:

In general, this proposed action has been drafted in an attempt to establish uniform procedures and standards to assist the Commission and the Bureau of Gambling

¹ All statutory references hereinafter are to the Business and Professions Code, unless otherwise specified.

² Business and Professions Code, Division 8, Chapter 4, section 19800 et seq.

³ Business and Professions Code section 19840.

⁴ All statutory references are to the Business and Professions Code, unless otherwise specified.

⁵ Section 19840 provides, in pertinent part, that "[t]o the extent appropriate, regulations of the Commission . . . shall take into consideration the operational differences of large and small establishments."

⁶ Subdivision (h) of section 19841 mandates that the Commission's regulations shall "[p]rescribe minimum procedures for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs, . . ." as specified. Subdivision (o) of section 19841 mandates that the Commission's regulations shall "[r]estrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling, consistent with the purposes of this chapter."

Control (Bureau) in meeting their oversight responsibilities under the Act, while taking into account variations in the size of gaming operations. More importantly, the proposed action is intended to provide for minimum standards that protect public health, safety and general welfare.⁷ These regulations establish a baseline for gambling establishment (cardroom) operation, by requiring that licensees establish and implement written policies and procedures that meet or exceed the prescribed Minimum Internal Control Standards (MICS), as they relate to the established size category of the individual licensee. Establishing baseline standards helps to ensure consistency and uniformity, and provides transparency.

Specifically, this proposed action would make clarifying changes in Section 12386 regarding the operation and functions of cages. In some instances the proposed changes would provide additional flexibility to licensees in determining the manner in which they will comply. In addition, this proposed action would add Section 12387 regarding the security and use of floor banks, gambling equipment and confidential documents, to establish minimum performance standards that would assist licensees in protecting their assets and the integrity of their gambling operations. This would also help to ensure that the public health, safety and general welfare is protected and that gambling is conducted honestly and competitively.

EXISTING LAW:

Section 19811, subdivision (b), provides the Commission with the primary jurisdiction over all persons and things having to do with the operations of gambling establishments within the state.

Section 19824 provides the Commission with “*all powers necessary and proper to enable it fully and effectually to carry out the policies and purposes of*” the Act.

Section 19840 allows the Commission to adopt regulations for the administration and enforcement of the Act.

Section 19841, subdivision (h), mandates that the Commission’s regulations “[p]rescribe minimum procedures for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs,” as specified. Subdivision (i) provides that the Commission’s regulations shall “[r]estrict limit or otherwise regulate any activity that is related to the conduct of controlled gambling, consistent with the purposes of” the Act.

Section 19924 mandates that owner–licensees maintain security controls over the gambling premises and all operations therein related to gambling.

EFFECT OF REGULATORY ACTION:

This proposed action would make the following specific changes in Articles 1 and 3 of Chapter 7 of Division 18 of Title 4 of the California Code of Regulations:

Section 12360. Chapter Definitions.

In Article 1, Section 12360 provides definitions for numerous terms that govern the construction of Chapter 7. This proposed action would add definitions for several new terms that will be used in Article 3, as follows:

1. A new subsection (a) would be added with a definition for the term “cage bank.” The definition of this term is being added as a convenient means of referring, in general, to the monetary content, including gambling chips, cash and cash equivalents, that is held in a cage.
2. A new subsection (b) would be added with a definition for the term “cashier bank.” The definition of this term is being added as a convenient means of referring, in general, to the individual imprest fund assigned to an individual cashier inside a cage.
3. A new subsection (c) would be added with a definition for the term “confidential document.” The definition of this term is being added as a convenient means of referring to several different types of documents, records or writings with similar characteristics, whether maintained in writing or electronically.
4. A new subsection (d) would be added with a definition for the term “floor bank.” The definition of this term is being added as a convenient means of referring, in general, to an individual imprest fund kept on or near the gambling floor.
5. A new subsection (e) would be added with a definition for the term “gambling equipment.” The definition of this term is being added as a convenient means of referring to gambling equipment, in general.
6. As a result of the additional definitions proposed by this action in the new subsections (a) through (e), the pre-existing subsections (a) through (e) will be renumbered accordingly as subsections (f) through (j).

Section 12386. Cage Operation and Functions.

In Article 3, Section 12386 prescribes the MICS that must be addressed in licensees’ policies and procedures relative to the operation and functions of cages. These include standards for cage location, design and construction; security and accountability; staffing and access; activity reconciliation; and, surveillance. The scope and complexity of many of these standards progressively escalate with the higher tiers. This proposed action would amend Section 12386, as follows:

⁷ Business and Professions Code, section 19920.

1. Paragraph (1) of subsection (a) would be amended to clarify that the public does not have access to enter a cage. Language would be added to clarify that the purpose of a cage is to provide for a convenient location in which to conduct patron transactions while maintaining security and accountability for not just funds, but also for monetary transactions occurring at the cage and all cage contents. Cage content may include, but is not limited to, the cage bank, cashiers' banks, and gambling equipment and confidential documents, when kept in a cage.
2. Paragraph (2) of subsection (a) would be amended to clarify that the names of gambling enterprise employees who work in a cage are not required to be included in the organizational charts of the gambling enterprise. The word "designated" would be changed to "assigned" throughout this paragraph, and the second sentence would be reworded to indicate that the title, classification or position of cage employees must be listed on the organizational charts. The reference to the duties of cage employees would be changed to provide that those employees' duties "may include any or all of" the specific duties listed in this paragraph. Further clarification of those specified duties would also be provided.
3. Paragraph (3) of subsection (a) would be amended to clarify that it is applicable to both physical cages and areas designated as cages, pursuant to paragraph (1) and that routine access is to be limited to the cage personnel assigned pursuant to paragraph (2). The term "gambling establishment" would be changed to the correct term, "gambling enterprise," and "key employee" would be added to the list of license types held by other gambling enterprise employees who may be given access to a cage for the performance of their duties.
4. Paragraph (4) of subsection (a) would be amended to allow a cage access log to be maintained either in writing or electronically.
5. Paragraph (5) of subsection (a) would be amended to specify that it is the cage and cashiers' banks that are to be reconciled, not all cage "activity." The requirement to summarize all cage transactions and the definition of the word "shift" would be deleted. The requirement, in paragraph (2) of subsection (b), to document reconciliation on a cage accountability form would be moved to paragraph (5) of subsection (a) as a new subparagraph (B) and the current text of paragraph (5) would become subparagraph (A). Additional clarification would be made to the specified content of a cage accountability form.
6. This proposed action would add paragraph (7) to subsection (a) to specify that in instances where a licensee operates multiple cages during any shift, all cages, irrespective of their designation (e.g., main cage, satellite cage, auxiliary cage, supplementary cage, secondary cage, back-up cage, support cage, etc.), shall be subject to and comply with all applicable provisions of this article.
7. Paragraph (1) of subsection (b) would be deleted as it specifies that only cardrooms in Tiers III through V are required to maintain continuous recorded video surveillance of cages and cage activities. However, Section 12396 (a)(1) provides that "cage and cashier activities" shall be subject to recorded video surveillance in all tiers.
8. With the deletion of paragraph (1) and the relocation of paragraph (2), the remaining paragraph (3) would become subsection (b). Subsection (b) would be amended to require that cardrooms in Tiers III through V have the reconciliations specified in paragraph (5) of subsection (a) posted to the general ledger by someone other than an assigned cage employee or cage supervisor.
9. Paragraph (1) of subsection (c) would be amended to better describe the construction and function of a cage for Tiers IV and V by specifying that it must be a secure enclosed structure with at least one window for processing transactions with patrons. A new subparagraph (A) would be added to provide that cage windows must be secure and designed to prevent entry into, or theft from, the cage.
10. Paragraph (2) of subsection (c) would be amended to clarify that these provisions apply to all banks, and the reference to beginning and ending balances would be deleted. Subparagraph (C) would also be amended to clarify that the "amount," rather than the "source," of other items of monetary value is to be itemized. Reference to "dealers' banks" and "chip runner's banks" would be removed from the examples of other items of monetary value. Subparagraph (D) would be added to address the dealers' banks and floor (chip runners') banks by specifically requiring an itemization of the amount assigned to each of those banks.

11. Paragraph (3) of subsection (c) would be amended to allow the names or classifications of employees authorized to access a cage to be recorded either in writing or electronically, and to require that the record must be updated each time an assignment is added or deleted.
12. Numerous nonsubstantive conforming, editorial and grammatical changes would be made throughout Section 12386 to clarify and ensure that the provisions of the new paragraph (7) apply to all cages and cage areas, irrespective of their designation, and to provide consistency with provisions of the proposed adoption of Section 12387.

Section 12387. Security and Use of Floor Banks; Security of Gambling Equipment and Confidential Documents.

This proposed action would also establish a new Section 12387 in Article 3, which would require cardrooms of all tiers to adopt specified minimum policies and procedures regarding the security and use of floor banks, and the security of gambling equipment and confidential documents, on the gambling floor. This proposed action would adopt Section 12387, to provide as follows:

1. Subsection (a), paragraph (1) would require that a floor bank, when kept in any public area of a gambling establishment, be secured in a locked receptacle, drawer or compartment. This paragraph would specify that the drawer or compartment shall remain locked, with the key removed, except when being appropriately accessed and that all keys, combinations and access codes shall be subject to the key security and control provisions of Section 12395.
2. Subsection (a), paragraph (2) would require the lock or locking mechanism of a receptacle, drawer or compartment containing a floor bank to be keyed differently from any other receptacle, drawer or compartment in the gambling establishment. However, when a single gambling enterprise employee requires access to multiple receptacles in the performance of his or her duties, that access is exclusive to that employee during his or her shift, and the receptacles all contain a floor bank, those receptacles may have a key, combination or access code in common with each other. Managers and supervisors would also be permitted to have a duplicate or master key for the receptacles used by the employees they supervise.
3. Subsection (a), paragraph (3) would require that any cabinet used or intended to be used to contain a

floor bank, be located so that it is clearly visible for security and surveillance purposes, and that it be kept under continuous recorded video surveillance with camera coverage that shall be adequate for monitoring and recording the contents of any drawer when open, to the extent reasonably possible, and all activities involving the floor bank. This paragraph would also allow the use of a mobile cabinet and would require that it be kept at a fixed secure location under continuous recorded video surveillance when not being actively used on the gambling floor.

4. Subsection (a), paragraph (4) would prohibit the commingling of a floor bank with any gambling equipment, documents, supplies or other materials that are not directly related to a floor bank, in the same drawer or compartment. This paragraph would also prohibit the use of the cabinet or any drawer, compartment or receptacle therein, from being used to store any personal property of any employee, patron, or any other person; or to store any equipment, documents, supplies or other materials that are not directly related to the conduct of gambling operations.
5. Subsection (a), paragraph (5) would require that each floor bank be individually balanced at least daily and the imprest amount verified. Any shortages or overages would be required to be documented in an exception report and included in the cage bank reconciliation for the shift during which the verification was performed.
6. Subsection (a), paragraph (6) would require the licensee to establish the maximum imprest amount that may be assigned to the each floor bank and would limit the imprest amount that may be assigned to a floor bank in a mobile cabinet to \$20,000.
7. Subsection (a), paragraph (7) would require the licensee to adopt policies and procedures for the establishment of specific provisions governing the sale or distribution of gambling chips and the disbursement of cash to patrons from a floor bank by the assigned gambling enterprise employee. This paragraph would also limit the redemption of chips from a floor bank to a maximum amount of \$500, except when the floor bank is being temporarily used as a cage and is in compliance with the provisions of Section 12386. This paragraph would explicitly prohibit any redemption of chips from a floor bank in a mobile cabinet.

8. Subsection (b), paragraph (1) would require that gambling equipment be secured in a locked receptacle, drawer or compartment when being kept, held or stored in any public area of the gambling establishment. Any gambling equipment that is too large to be placed in a receptacle, drawer or compartment when not in use, or that is normally left on a gambling table when not in use, would be required to be secured with a locking mechanism to prevent it from being moved or tampered with. This paragraph would allow the lock or locking mechanism of the receptacle, drawer or compartment to be keyed the same as any similar receptacle, drawer or compartment used for the same purpose. This paragraph would specify that the drawer or compartment shall remain locked, with the key removed, except when being appropriately accessed and that all keys, combinations and access codes shall be subject to the key security and control provisions of Section 12395.

This paragraph further provides that confidential documents shall be secured in a locked receptacle, drawer or compartment when being kept, held or stored in any public area of the gambling establishment. This requirement would apply to all confidential documents and information, except when maintained electronically or when in use, in which cases the document or information shall be covered and kept out of public view to the extent reasonably possible.

9. Subsection (b), paragraph (2) would require the lock or locking mechanism of a receptacle, drawer or compartment containing gambling equipment or confidential documents to be keyed differently from any other receptacle, drawer or compartment in the gambling establishment. However, when a single gambling enterprise employee requires access to multiple receptacles in the performance of his or her duties, that access is exclusive to that employee during his or her shift, and the receptacles all contain either gambling equipment or confidential documents, those receptacles may have a key, combination or access code in common with each other. Managers and supervisors would also be permitted to have a master key for the receptacles used by the employees they supervise.
10. Subsection (b), paragraph (3) would require that any cabinet containing gambling equipment or confidential documents be located so that it is clearly visible for security and surveillance

purposes, and that it be kept under continuous recorded video surveillance.

11. Subsection (b), paragraph (4) would prohibit gambling equipment or confidential documents from being commingled with or kept in the same drawer or compartment as a cardroom bank, or commingled with or kept in the same drawer or compartment with any personal property or possession of any employee, patron, or any other person.
12. Subsection (b), paragraph (5) would require the establishment of specific provisions governing the storage, distribution and tracking of gambling equipment kept, held or stored in any public area of the gambling establishment.
13. Subsection (c) provides that, if a licensee allows access to or the use of any cabinet used or intended to be used for any of the purposes described in subsection (a) or (b), to any TPPPS company, that access and use shall be exclusive to the TPPPS company and its employees, and the cabinet shall not be used by the licensee for any purpose.
14. Subsection (d) would require cardrooms to implement the applicable provisions of this section no later than six months following its effective date.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations. As provided in subdivision (b) of section 19811, the Commission is vested with jurisdiction and supervision over gambling establishments, and over all persons or things having to do with the operations of gambling establishments in California. The scope and content of the Commission's regulations is set forth in section 19841. While the Bureau of Gambling Control (Bureau), in the Department of Justice, has also been granted some authority to adopt regulations (section 19826), that authority is limited to the adoption of regulations reasonably related to its specified duties and responsibilities. These proposed regulations are not inconsistent or incompatible with any Bureau regulation (Title 11, CCR, Division 3), nor do they fall within the Bureau's authority to adopt regulations.

COMPARABLE FEDERAL LAW

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

FISCAL IMPACT ESTIMATES

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

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

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

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

IMPACT ON BUSINESS:

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

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

EFFECT ON HOUSING COSTS: None.

EFFECT ON SMALL BUSINESS: The Commission has determined that the proposed regulatory action may affect small businesses, if any affected gambling establishment would qualify as a small business.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

IMPACT ON JOBS/NEW BUSINESSES:

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

This determination is based on the fact that this proposed action will not impose any significant cost or other adverse economic impact on cardroom licensees or affect the employment of gambling enterprise employees. Furthermore, this proposed action would have no impact on any other businesses or jobs.

BENEFITS OF PROPOSED REGULATION:

This proposed action would clarify certain provisions of existing regulations affecting the operation and functions of cages and would provide licensees more flexibility in determining how to achieve compliance with

certain performance standards. The development of internal policies and procedures for the security of floor banks, gambling equipment and confidential documents would assist licensees in protecting their assets and the integrity of their gambling operations. This would also help to ensure that the public health, safety and general welfare is protected and that gambling is conducted honestly and competitively. This proposed action would help to ensure consistency and uniformity, and provide greater transparency.

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

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

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

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

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

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons

named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

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

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

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

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

WEB SITE ACCESS

Materials regarding this proposed action are also found on the Commission's Web site at www.cgcc.ca.gov.

TITLE 7. BOARD OF PILOT COMMISSIONERS

California State Transportation Agency

BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN

NOTICE OF PROPOSED RULEMAKING

October 18, 2013

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo,

and Suisun (Board) proposes to adopt the amendments to the administrative regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Subdivisions (e) and (f) of current Section 213 in Title 7 of the California Code of Regulations in order to implement, interpret and make specific Harbors and Navigation Code sections 1101, 1171, 1171.5, 1175, 1177, and 1178 relating to pilot trainee qualifications. The regulatory change would affect the requirements necessary to apply and qualify for pilot trainee training administered by the Board.

PUBLIC HEARING

A public hearing on this proposed action has not been scheduled. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or a duly authorized representative, no later than 15 days prior to the close of the written comment period on December 2, 2013. A written request for a public hearing must be submitted to the agency contact person identified below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Board. Written comments will be accepted by the Board until 5:00 p.m. on December 2, 2013. Submit comments to:

Amanda Esquivias
California Transportation Agency
915 Capitol Mall, Suite 350B
Sacramento, CA 95814
amanda.esquivias@calsta.ca.gov

AUTHORITY AND REFERENCE

The proposed regulations have been adopted under the authority of Harbors and Navigation Code section 1154(b) in that the Board's vested powers include the power to make and enforce rules and regulations that are reasonably necessary to carry out its provisions and to govern its actions.

The proposed regulations have been adopted in order to implement, interpret, and make specific the provisions in Harbors and Navigation Code sections 1101, 1171, 1171.5, 1175, 1177 and 1178 as they relate to

qualifications of applicants for pilot trainee training and ultimately for pilot licensing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of the regulatory amendments is to broaden the pool of eligible applicants for the pilot trainee training program of the Board by making changes in the minimum eligibility requirements for applicants and in the point counts assigned to various types of experience.

Proposed changes in the minimum qualifications and applicable point counts for applicants with deep-sea experience will be altered from two years to one year allowing more qualified applicants from that side of the mariner pool. The current minimum eligibility requirement for those with offshore, deep-sea experience is two years' service as master which tends to reduce the number of applications received from mariners having deep-sea experience. This is due to the limited number of openings for deck officers on U.S.-flag vessels. Under these conditions, it takes far longer to earn a master's license. Given these realities, it is estimated that in most cases it will take an offshore mariner 15 to 18 years after maritime academy graduation to acquire the two years' experience as master that the Board requires. That far into their careers, potential deep-sea applicants for the training program have achieved a compensation level that makes it very difficult to accept the much-reduced compensation afforded to pilot trainees over a training period that can last as long as three years. The reduction in service time as master from two years to one year is designed both to increase the quality of the overall applicant pool and to increase the quality of the group that is ultimately selected for admission to the training program.

Proposed changes in the minimum qualifications and applicable point counts for applicants with tug experience will be increased slightly. Alternative types of qualifying tug experience will be altered, resulting in more experienced qualified applicants from the tug captain side of the mariner pool. Since 1999, the increasing number of tractor tugs and the accelerated advancement to master that is possible on these tugs has significantly decreased the number of years of overall maritime experience possessed by many tug masters applying for admission to the training program. Current regulations separate qualifying tug experience as master into two different categories: command of tugs engaged in ship assist and command of tugs engaged in bay or ocean towing where the combined gross tonnage of the towing

vessel and vessel towed is not less than 1600 gross tons. The proposed amendment would make clear that a mixture of towing and ship-assist work is permissible for consideration. The proposed amendments to the minimum qualifications would broaden the pool of qualified applicants by recognizing command time on tugs of not less than 99 gross tons engaged in towing. The floor on tug size would exclude from consideration performance as master on smaller tows by tugs under 99 gross tons. Tows with a combined tonnage of lot less than 1600 gross tons would still qualify, even if the towing tug was less than 99 gross tons.

The proposed changes also include alterations in the experience-point schedule that will reduce the maximum number of experience points, remove credit for experience used to meet the minimum eligibility requirements, establish new categories of experience, and change experience credit for some existing categories of experience. The current permissible total points for experience is quite high and it provides credit for experience used to meet the minimum eligibility requirements of Subsection (e) that is not necessary. The proposed changes would lessen the weight given to experience points in the selection process. Current provisions allow experience points in certain circumstances for piloting service where the piloting was performed by a member of a vessel's crew who was either the master or "second in command" of the vessel. The "second-in-command" provision is not specific enough and as such it creates difficulties in verifying the claimed experience.

Anticipated Benefits for the Proposed Regulations

The broad objective of the Board with the proposed regulatory action is to enhance the overall quality of applicants for entry into the training program as well as of the overall quality of those ultimately selected for admission to the pilot trainee training program. The enhancement of the overall quality of the applicants is anticipated to provide the specific benefit of better protection of public health and safety, and the environment that is directly impacted by the safety of navigation on pilotage grounds of the pilots in the Bays of San Francisco, San Pablo, Suisun, and Monterey.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. The minimum eligibility requirements and experience point credits for applicants to pilot trainee training are described in Subsections (e) and (f) of Section 213. Therefore, revising these provisions does not

pose inconsistency or incompatibility in any other sections of the Board's regulations.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost of savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with business in other states: The Board has made an initial determination that the amendment to current regulations with respect to minimum eligibility requirements and experience point credits for pilot trainee training applicants will have no economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The facts upon which the agency relied to support this determination are the following.

The proposed regulations are directed to single individuals and as such would not affect any types of businesses. Adoption of the proposed regulations would not impose reporting or recordkeeping, or other requirements on businesses.

- Cost impacts on a representative private person or business: The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.
- Small Business Determination: The Board has determined that the proposed regulations do not affect small businesses. The proposed regulations are directed to single individuals and as such would not affect any types of businesses.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

Adoption of these regulations will not:

- 1) create or eliminate jobs within California;
- 2) create new businesses or eliminate businesses within California; or
- 3) affect the expansion of businesses currently doing business within California.

The Board concludes that it is (1) unlikely that the proposal may create or eliminate any jobs within the State of California, (2) unlikely that the proposal may create new or eliminate existing businesses within the State of California, and (3) unlikely that the proposal may expand businesses currently doing business in the State of California.

Benefits of the Proposed Action: The proposed regulations will increase the overall quality of pilots ultimately licensed to pilot vessels on the pilotage grounds. The increase in quality will increase the safety of future pilot operations and reduce the potential for pilot error. In turn, this will enhance the health and welfare of California residents, increase worker safety, and protect the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board 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 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 regulations during the written comment period.

AGENCY CONTACT INFORMATION

The agency representative to whom inquiries concerning the proposed administrative action may be directed is:

Amanda Esquivias
California State Transportation Agency
915 Capitol Mall, Suite 350B
Sacramento, CA 95814
Tel: (916) 324-7514
amanda.esquivias@calsta.ca.gov

Alternate agency contact:

Allen Garfinkle
Board of Pilot Commissioners for the Bays of
San Francisco, San Pablo, and Suisun
660 Davis Street
San Francisco, California 94111
Tel: (415) 397-2253
allen.garfinkle@bopc.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, EXPRESS TERMS OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. The Board has prepared an Initial Statement of Reasons for the proposed administrative action detailing the reasons and all the information upon which its proposal is based. The Board also has available the express terms of the proposed action on pilot fitness regulations.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Board may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulation are appropriate. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Amanda Esquivias at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final State-

ment of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

AVAILABILITY OF DOCUMENTATION

Upon specific request, the agency representatives designated above will make available to the public the express terms of the proposed action and the statement of reasons. The representatives will also make available to the public upon request the location of public records, including reports, documentation, and other materials, related to the proposed action. Depending on the volume and size of such documentation, they will be available by copies or for inspection during reasonable working hours at either the Board in San Francisco or at the California State Transportation Agency in Sacramento.

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 Board's web site at www.bopc.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Amend Reimbursement for Training Presentation Commission Regulation 1015(c) and Procedures E-2-2

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period. If there is no request for public hearing, the effective date shall be January 1, 2014.

Public Comments Due by December 2, 2013, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

AUTHORITY AND REFERENCE

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Since 1993 the number of POST-certified training courses has substantially increased from approximately 2,400 courses to over 4,500. Correspondingly, the number of contract training courses has increased from 63 in fiscal year 1992-93 to 106 in fiscal year 2012-13. As a consequence of the expanded use of contract training courses, the cost of contract training courses has increased from \$3.4 million to \$22.1 million in the same time period.

In recent years, state contracting regulations have become increasingly difficult to navigate and administer. Because training contracts are labor-intensive, there have been delays in securing contract approval from state control agencies. POST staff has sought alternatives to expedite the delivery of needed training to the field. Presently, many contract training presenters are colleges, universities, private presenters, and joint powers agencies. This limits the number of courses that can presently be converted to Plan V because Training Presentation Costs are only approved for "agency" presenters. To maximize the use of reimbursement Plan V and reduce the number of contract training courses, the commission proposes to add colleges, universities, private presenters, other public entities, and joint powers agencies to the list of those who may receive Training Presentation Costs.

The use of reimbursement Plan V is primarily intended to be applied to Commission-sponsored courses that have been administered through contracts. These would include, among others, such courses as the Supervisory Course, Sherman Block Supervisory Leadership Institute, Management Course, Command College, Executive Development Course, Instructor Development Course, Robert Presley Institute of Criminal

Investigation, Violence Against Women Act, and Simon Wiesenthal Museum of Tolerance. Each of these courses has a member of POST staff that is responsible for providing program oversight. The program management responsibility of such courses will remain in effect.

Adding colleges, universities, private presenters, other public entities, and joint powers agencies to reimbursement Plan V would necessitate a revision to Commission Regulation 1015(c) — Reimbursement for Training Presentation to clarify who may receive presentation training costs and that these reimbursements shall be monitored by the POST program managers. This revision to Regulation 1015(c) would require amendment to Commission Procedure E-2-2, Reimbursement Procedures — Plans to include colleges, universities, private presenters, other public entities, and joint powers agencies of certified training to receive training presentation costs for courses certified under reimbursement Plan V.

The specific benefits anticipated by the proposed changes to the regulation will be to facilitate and hasten the timely delivery of needed law enforcement training which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no effect on worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

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

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15

days after the date that the revised text is made available.

no impact which would affect worker safety or the state's environment.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SEC. 11346.3(b)

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

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to eliminate delays in providing needed and/or mandated training to California law enforcement. Any delay in the delivery of legislatively mandated or high liability training to peace officers or other public safety personnel puts the public at risk. There would be

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, 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 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.

CONTACT PERSONS

Please direct inquiries about this proposed regulatory action to Darla Engler, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Darla.Engler@post.ca.gov, or by telephone at (916) 227-3907. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-3895.

TEXT OF PROPOSAL

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

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

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

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

TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the California State Board of Optometry (hereafter "Board") is proposing to take the action described in the Informative

Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
2420 Del Paso Road, Yosemite Room
Sacramento, California 95834
Monday, December 2, 2013
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, December 2, 2013, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

INFORMATIVE DIGEST

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

Amend Section 1516. Application Review and Criteria for Rehabilitation

Existing law authorizes the Board to compel a licensee to submit to a physical or mental health examination

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

This regulatory proposal would give the Board authority to require an applicant to be examined by one or more physicians and surgeons, or psychologists designated by the Board if it appears that the applicant is unable to practice optometry safely due to a mental or physical illness.

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

Adopt section 1582. Unprofessional Conduct

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

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

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

Policy Statement Overview/Anticipated Benefits of Proposal: Adoption of these proposed amendments further defining unprofessional conduct is expected to enhance consumer protection and allow the Board to complete investigation more quickly. Consumers will be better protected because the Board will be able to take

action against licensees who refuse to cooperate in Board investigations or who actively subvert Board investigations.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

AND

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

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

Cost Impact on Representative Private Person or Business:

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

al is represented by legal counsel. The disciplinary order impacts vary and could include loss of the licensee’s employment income or business if their license is revoked, surrendered, or suspended.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

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

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

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

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

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

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

CONTACT PERSON

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

Name: Andrea Leiva, Policy Analyst
Address: 2450 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: 916-575-7182
Fax No.: 916-575-7292
E-mail Address: andrea.leiva@dca.ca.gov

The backup contact person is:

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

WEBSITE ACCESS

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

TITLE 18. BOARD OF EQUALIZATION

**The State Board of Equalization Proposes to
Adopt Amendments to California Code of
Regulations, Title 18, Section 1502, *Computers,
Programs, and Data Processing***

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Revenue and Taxation Code (RTC) section 7051, proposes to adopt amendments to subdivision (f)(1) of California Code of Regulations, title 18, section (Regulation) 1502, *Computers, Programs, and Data Processing*, which prescribes the application of sales and use tax to the sale or lease of pre-written programs and maintenance contracts sold in connection with the sale or lease of prewritten programs. The proposed amendments to Regulation 1502, subdivision (f)(1)(C) clarify that a maintenance contract sold in connection with the sale or lease of a pre-written program, including an optional maintenance contract subject to tax at 50 percent of the lump-sum charge, may provide that the purchaser is entitled to receive a backup copy of the same or similar prewritten program recorded on tangible storage media, so that the purchaser may use the backup copy to restore the pre-written program. The proposed amendments to Regulation 1502, subdivision (f)(1)(D) clarify that subdivision (f)(1)(C)'s provisions regarding the taxation of optional maintenance contracts apply to optional maintenance contracts sold in connection with nontaxable electronic download and load-and-leave transactions described in subdivision (f)(1)(D).

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on December 17-19, 2013. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's Website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as

the matter may be heard on December 17, 18, or 19, 2013. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulation 1502.

AUTHORITY

RTC section 7051.

REFERENCE

RTC sections 995.2, 6006, 6007, 6010, 6010.9, 6011, 6012, 6015, and 6016.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current Law

Subdivision (f)(1) of Regulation 1502 prescribes the application of sales and use tax to the sale or lease of prewritten programs and maintenance contracts sold in connection with the sale or lease of prewritten programs. Regulation 1502, subdivision (f)(1) explains that prewritten programs may be recorded on tangible storage media or coding sheets and provides that tax applies to the sale or lease of storage media or coding sheets on which or into which prewritten programs have been recorded, coded, or punched. However, Regulation 1502, subdivision (f)(1)(D) provides that the sale or lease of a prewritten program is not a taxable transaction if the program is “transferred [in an electronic download transaction] by remote telecommunications from the seller’s place of business, to or through the purchaser’s computer and the purchaser does not obtain possession of any tangible personal property, such as storage media, in the transaction.” Subdivision (f)(1)(D) also provides that the sale of a prewritten program is not a taxable transaction if the program is “installed by the seller on the customer’s computer [in a load-and-leave transaction] except when the seller transfers title to or possession of storage media or the installation of the program is a part of the sale of the computer.”

The first paragraph in Regulation 1502, subdivision (f)(1)(C), describes the characteristics of maintenance contracts. It currently provides that:

Maintenance contracts sold in connection with the sale or lease of prewritten computer programs generally provide that the purchaser will be entitled to receive, during the contract period, storage media on which prewritten program improvements or error corrections have been recorded. The maintenance contract also may provide that the purchaser will be entitled to receive, during the contract period, telephone or on-site consultation services.

Prior to January 1, 2003, all of the charges for optional maintenance contracts were generally taxable because Regulation 1502, subdivision (f)(1)(C) provided that “If the purchase of the maintenance contract is optional with the purchaser, but the purchaser does not have the option to purchase the consultation services in addition to the sale or lease of storage media containing program improvements or error corrections, then the charges for the consultation services are taxable as part of the sale or lease of the storage media.” However, in 2002, the Board amended Regulation 1502, subdivision (f)(1)(C) to recognize that optional maintenance contracts often involve both the sale or lease of taxable tangible personal property and the provision of nontaxable services, and establish the bright-line rule that only 50 percent of the lump-sum charge for an optional maintenance contract is for the sale of taxable tangible personal property for reporting periods beginning on or after January 1, 2003. The last two paragraphs in Regulation 1502, subdivision (f)(1)(C), currently provide as follows:

For reporting periods commencing on or after January 1, 2003, if the purchase of the maintenance contract is optional with the purchaser, that is, if the purchaser may purchase the prewritten software without also purchasing the maintenance contract, and there is a single lump sum charge for the maintenance contract, 50 percent of the lump sum charge for the maintenance contract is for the sale of tangible personal property and tax applies to that amount; the remaining 50 percent of the lump sum charge is nontaxable charges for repair.

If no tangible personal property whatsoever is transferred to the customer during the period of the maintenance contract, tax does not apply to any portion of the charge. Tax does not apply to a separately stated charge for consultation services if the purchaser is not required to purchase those services in order to purchase or lease any tangible personal property, such as a prewritten computer program or a maintenance contract.

Effects, Objectives, and Benefits of the Proposed Amendments to Regulation 1502, subdivision (f)(1)(C) and (D).

Need for Clarification

Board staff thought that some retailers were currently selling or leasing prewritten programs via electronic download and/or load-and-leave transactions and also offering to separately sell their customers optional maintenance contracts that entitle the customers to receive a backup copy of the same or similar prewritten programs recorded on tangible storage media, which the customers could use to restore lost or corrupted data. Board staff thought that, when a customer purchased a prewritten program and maintenance contract in this type of paired transaction, there may be some confusion as to:

- Whether the retailer’s charge for the prewritten program that was sold or leased in the electronic download or load-and-leave transaction is a nontaxable charge under Regulation 1502, subdivision (f)(1)(D); and
- Whether the maintenance contract can be properly characterized as “optional” so that only 50 percent of the lump-sum charge for the maintenance contract is taxable under Regulation 1502, subdivision (f)(1)(C).

Board staff thought that part of the confusion was due to the first paragraph of Regulation 1502, subdivision (f)(1)(C), which specifies that maintenance contracts generally provide that the purchaser is entitled to receive storage media upon which “improvements” and “error corrections” are recorded, and the fact that it is not entirely clear whether a backup copy of a prewritten program is included in the references to “improvements” and “error corrections.” Board staff also thought that part of the confusion was due to the fact that there are currently no provisions in Regulation 1502, subdivision (f)(1)(C) or (D) that expressly indicate that nontaxable electronic download and load-and-leave transactions may be appropriately paired with optional maintenance contracts that entitle customers to receive tangible storage media and are subject to tax at 50 percent of the lump-sum charge.

As a result, Board staff raised the issue during the Board’s January 15, 2013, Business Taxes Committee meeting. Staff recommended that the Board authorize staff to conduct one focused interested parties meeting regarding clarifying amendments to Regulation 1502 to address the issue. And, the Board unanimously voted to approve staff’s recommendation.

Interested Parties Process

Board staff subsequently reviewed the 2002 amendments adding the second and third paragraphs to Regu-

lation 1502, subdivision (f)(1)(C), which are quoted above, and staff determined that the 2002 amendments were intended to create a bright-line rule that only 50 percent of the lump-sum charge for an optional maintenance contract that entitles the purchase to receive tangible personal property is taxable. In addition, staff determined that the language in the first paragraph of Regulation 1502, subdivision (f)(1)(C), was intended to generally describe maintenance contracts, including maintenance contracts that entitle purchasers to receive tangible personal property, such as storage media. Staff did not see any indication that the language in the first paragraph of Regulation 1502, subdivision (f)(1)(C) was intended to limit the types of tangible personal property that can be transferred under maintenance contracts, including optional maintenance contracts.

Further, staff found that when the Board adopted the 2002 amendments to Regulation 1502, subdivision (f)(1)(C), the Board intended for optional maintenance contracts that entitle customers to receive tangible personal property to be taxed the same way. Staff did not see any indication that the Board intended for some optional maintenance contracts sold in connection with the sale or lease of prewritten programs to be taxed differently merely because they provide that the customer is entitled to receive storage media containing a backup copy of a prewritten program, so that the purchaser may use the backup copy to restore lost or corrupted data from the original prewritten program to which the maintenance contract relates, as opposed to other tangible personal property.

Furthermore, staff did not find any indication that when the Board adopted the 2002 amendments to Regulation 1502, subdivision (f)(1)(C), the Board intended to limit the application of subdivision (f)(1)(C)’s provisions to optional maintenance contracts sold in connection with taxable sales and leases of prewritten programs, or otherwise prohibit the provisions from applying to optional maintenance contracts sold in connection with nontaxable electronic download and load-and-leave transactions described in subdivision (f)(1)(D). Also, staff could not find any reason why subdivision (f)(1)(C)’s provisions should be limited to optional maintenance contracts sold in connection with taxable purchases of prewritten programs recorded on tangible storage media, at this time.

As a result, Board staff drafted amendments to Regulation 1502, subdivision (f)(1)(C) that would have the effect and accomplish the objective of clarifying that when a maintenance contract, including an optional maintenance contract, is sold in connection with the sale or lease of a prewritten program, the maintenance contract may include a backup copy of the same or similar prewritten program recorded on tangible storage media, so that the purchaser may use the backup copy to

restore lost or corrupted data. Board staff also drafted amendments to Regulation 1502, subdivision (f)(1)(D) that would have the effect and accomplish the objective of clarifying that subdivision (f)(1)(C) applies to optional maintenance contracts sold in connection with nontaxable transactions described in subdivision (f)(1)(D).

Next, staff distributed the draft amendments to the interested parties and discussed the draft amendments at an interested parties meeting on March 6, 2013. During the March 6, 2013, interested parties meeting, Mr. Mark Nebergall, President of the Software Finance & Tax Executives Council, expressed his understanding that backup copies of prewritten programs are simply used to restore prewritten programs, rather than lost or corrupted data, as stated in staff's draft amendments to Regulation 1502, subdivision (f)(1)(C), and recommended that the amendments to subdivision (f)(1)(C) be revised accordingly. In addition, Board staff received a March 22, 2013, letter from Mr. Nebergall, which he sent on behalf of the California business community. In the letter, Mr. Nebergall reiterated his comments from the March 6, 2013, interested parties meeting, and indicated that the California business community does not oppose the draft amendments to Regulation 1502, subdivision (f)(1)(C) and (D) with the revision he previously requested. Therefore, Board staff agreed to consider Mr. Nebergall's recommendation to revise the draft amendments to subdivision (f)(1)(C) to specify that backup copies of prewritten programs may be used to restore prewritten programs, rather than lost or corrupted data.

August 13, 2013, Business Taxes Committee Meeting

Board staff subsequently prepared Formal Issue Paper 13-007, which recommended that the Board propose to adopt staff's draft amendments to Regulation 1502, subdivision (f)(1)(C) with the change requested by Mr. Nebergall, and also propose to adopt staff's draft amendments to Regulation 1502, subdivision (f)(1)(D) without any changes. The Board considered staff's recommendation during the August 13, 2013, Business Taxes Committee meeting, and, at the conclusion of the meeting, the Board Members unanimously voted to propose the amendments to Regulation 1502, subdivision (f)(1)(C) and (D) recommended in the formal issue paper. The Board determined that the proposed amendments to Regulation 1502 would have the effects and accomplish the objectives of clarifying that:

- Tax applies to 50 percent of the lump-sum charge for optional maintenance contracts that entitle customers to receive a backup copy of a prewritten program recorded on tangible storage media; and

- Nontaxable electronic download and load-and-leave transactions may be appropriately paired with separate optional maintenance contracts that entitle customers to receive tangible storage media and are subject to tax at 50 percent of the lump-sum charge.

The Board anticipates that the proposed amendments to Regulation 1502 will provide the following benefits:

- Eliminate confusion by clarifying to the public and staff that a backup copy of a prewritten program recorded on tangible storage media may be included in a maintenance contract sold in connection with the sale or lease of the same prewritten program;
- Provide clarification to the public and staff that taxable optional maintenance contracts are still taxed the same, even if they include a backup copy of a prewritten program recorded on tangible storage media; and
- Maintain the bright-line rule that 50 percent of the lump-sum charge for an optional maintenance contract that entitles the customer to receive tangible personal property is taxable, even when such a contract is paired with a nontaxable electronic download or load-and-leave transaction.

The Board has performed an evaluation of whether the proposed amendments to Regulation 1502, subdivision (f)(1) are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations. This is because Regulation 1502, subdivision (f)(1) contains the only provisions in the state's regulations that specifically prescribe the application of sales and use tax to the sale or lease of prewritten programs and maintenance contracts sold in connection with the sale or lease of prewritten programs, and the proposed amendments are consistent with the existing provisions of Regulation 1502, subdivision (f)(1). In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulation 1502, subdivision (f)(1) or the proposed amendments to Regulation 1502, subdivision (f)(1).

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulation 1502 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

**NO COST OR SAVINGS TO STATE AGENCIES,
LOCAL AGENCIES, AND SCHOOL DISTRICTS**

The Board has determined that the adoption of the proposed amendments to Regulation 1502 will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

**NO SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

The Board has made an initial determination that the adoption of the proposed amendments to Regulation 1502 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 adoption of the proposed amendments to Regulation 1502 may affect small business.

**NO COST IMPACTS TO PRIVATE PERSONS
OR BUSINESSES**

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

**RESULTS OF THE ECONOMIC IMPACT
ANALYSIS REQUIRED BY GOVERNMENT
CODE SECTION 11346.3, SUBDIVISION (b)**

The Board has prepared the economic impact analysis required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulation 1502 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Regulation 1502 will not affect the benefits of Regulation 1502 to the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

The adoption of the proposed amendments to Regulation 1502 will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

The Board 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.

CONTACT PERSONS

Questions regarding the substance of the proposed regulation should be directed to Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on December 17, 2013, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to Regulation 1502 during the December 17-19, 2013, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regula-

tion 1502. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an underscored and strikeout version of the text of Regulation 1502 illustrating the express terms of the proposed amendments. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulation 1502, which includes the economic impact analysis required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation and the initial statement of reasons are also available on the Board's Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the proposed amendments to Regulation 1502 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed amendments to Regulation 1502, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF RULEMAKING AFTER EMERGENCY ADOPTION

SUBJECT: Drug Medi-Cal Rates (2011–2012), DHCS–12–003E

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (Department) has adopted the regulations in California Code of Regulations (CCR), Title 22, Division 3, Chapter 3, Article 7, Section 51516.1, on an emergency basis. These emergency regulations became effective on September 18, 2013, and will remain in effect for a period of 180 days. The purpose of this rulemaking is to adopt the emergency regulations on a permanent basis.

WRITTEN COMMENT PERIOD

Any interested person or his or her duly authorized representative may submit written comments to the Department relevant to the regulatory action described in this notice. Please label any comments as pertaining to Drug Medi-Cal Rates (2011–2012), DHCS–12–003E, and submit using any of the following methods:

- Mail:** Department of Health Care Services
Office of Regulations, MS 0015
P.O. Box 997413
Sacramento, CA 95899–7413
- Hand Delivery:** Department of Health Care Services
Office of Regulations
1501 Capitol Avenue, Suite 5084
Sacramento, CA 95814
- FAX:** (916) 440–5748
- Email:** regulations@dhcs.ca.gov

The written comment period closes on December 4, 2013, at 5:00 p.m. Any written comments, regardless of the method of transmittal, must be received by the Office of Regulations by 5:00 p.m. on this date, for consideration.

Written comments should include the author's contact information so the Department can provide notification of any further changes to the regulation proposal.

A public hearing has not been scheduled for this rulemaking. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

The Department shall consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Sections 10725, 14021.5, 14021.6, 14021.30, 14105 and 14124.5, Welfare and Institutions Code; and Sections 20 and 11758.42 [Repealed by Stats. 2012, Ch. 36 (SB 1014) Sec. 73, Effective June 27, 2012.], Health and Safety Code.

These regulations implement, interpret, or make specific the following:

Sections 5705, 14021.5, 14021.6, 14021.9, 14021.30 and 14132.90, Welfare and Institutions Code; and Sections 11758.42 [Repealed by Stats. 2012, Ch. 36, (SB 1014) Sec. 73, Effective June 27, 2012.] and 11758.46 [Repealed by Stats. 2012, Ch. 36 (SB 1014) Sec. 73, Effective June 27, 2012.], Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulatory action amends Title 22, CCR, Section 51516.1, by updating Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal [DMC]) services for Fiscal Year (FY) 2011–2012. This action implements, interprets, and makes specific the provisions of WIC Sections 14021.5, 14021.6, 14021.9, and 14105, and HSC Sections 11758.42 and 11758.46. These provisions require the Department of Alcohol and Drug Programs (ADP) in consultation with the Department, to establish rates for DMC, and establish a per capita uniform statewide reimbursement (USR) rate for ancillary services.

Assembly Bill 106 (Chapter 32, Statutes of 2011) transferred California's DMC program from ADP to the Department, effective July 1, 2012.

Anticipated Benefits or Goals of the Regulations

This regulatory action benefits Drug Medi-Cal service providers through the provision of the recent (2011/2012 FY) reimbursement rates, which in turn facilitates the continued delivery of these vital services. These regulations not only meet the goals of the authorizing statutes, as specified above, but the regulations ensure the proper and efficient administration of the Medi-Cal Program, in accordance with the federal and state laws that govern the Program's rules of participation and funding.

Consistency and Compatibility with Existing State Regulations

The Department has conducted an evaluation of the related existing state regulations in CCR, Title 22, Division 3 and Title 9, Division 4 and has determined that the regulations are consistent and compatible with those regulations.

This regulatory action is necessary to implement WIC Sections 14021.5, 14021.6, and 14021.9; and HSC Sections 11758.42 and 11758.46, as specified below.

- WIC Section 14021.5(e) specifies that rates for DMC services shall be effective July 1 through June 30 of the fiscal year in which the rates are established.
- WIC Section 14021.6 and HSC Section 11758.42 specify how rates for DMC services shall be determined.
- WIC Section 14105(a) authorizes adoption of regulations to set rates for Medi-Cal services on an emergency basis.
- HSC Section 11758.42 requires ADP to establish rates for the use of the narcotic replacement drugs Methadone and LAAM.
- HSC Sections 11758.46(a) and (b) specify DMC services that are reimbursable through the Medi-Cal Program.
- WIC Section 14021.9(b) states that for FY 2010–2011 and each fiscal year thereafter, rates for DMC services shall be the lower of the following:
 1. The rates developed by ADP under its normal rate-setting methodologies; or
 2. The rates applicable in FY 2009–2010 pursuant to subdivision (a), adjusted for the cumulative growth in the Implicit Price Deflator for the Costs of Goods and Services to Governmental Agencies, as reported by the Department of Finance.

Regulatory Sections

Proposed changes to CCR, Title 22, Section 51516.1 include the following:

Section 51516.1(a)(3):

- Revisions to this subsection will add the statewide maximum allowances (SMAs) for DMC substance abuse program services for FY 2011–2012. The specific methodology used to calculate DMC SMAs are described in the document entitled “Drug Medi-Cal Rate Setting Methodology for Non-Narcotic Treatment Programs for Fiscal Year 2011–2012.” This document is included in the rulemaking file, which

is maintained by the Department's Office of Regulations.

Section 51516.1(g):

- Revisions to this subsection will add the USR rates for narcotic treatment program services for FY 2011–2012. The specific methodology used to calculate narcotic treatment USR rates is described in the document entitled “Narcotic Treatment Program — Uniform Statewide Reimbursement Rates and Methodology, FY 2011–2012.” This document is included in the rulemaking file, which is maintained by the Department's Office of Regulations.

DISCLOSURES REGARDING THE RULEMAKING

The Department has made the following initial determinations:

Fiscal Impact Statement

- A. **Fiscal Effect on Local Government:** Expenditures for the DMC Treatment Program reimbursement are funded by 2011 Realignment (Ch. 40, Statutes of 2011). Since the DMC program is partially funded by Local Revenue Funds (LRF), the local government would be responsible for \$3,844,826 in FY 2011–2012.
- B. **Fiscal Effect on State Government:** No fiscal impact exists because this regulation does not affect any State agency or program.
- C. **Fiscal Effect on Federal Funding of State Programs:** Additional expenditures of approximately \$3,386,875 for FY 2011–2012.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the action.
- E. Other nondiscretionary costs or savings including revenue changes imposed on State or Local Government: None.

Mandates on Local Agencies or School Districts

The Department has determined that the regulations will not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Significant Statewide Adverse Economic Impact Affecting Businesses

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

Results of the Economic Impact Assessment

Impact on Jobs and Businesses

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

Medi-Cal is a voluntary program for both service providers and beneficiaries. These regulations affect Medi-Cal providers and beneficiaries who are offered substance abuse services through Medi-Cal.

Benefits of the Regulations

The Department has determined that the regulations would not affect worker safety or the state's environment. However, the regulations will benefit the health and welfare of California residents, by maintaining the continuity of the Medi-Cal Program through the provision of quality health care services, including the delivery of substance abuse services.

This regulatory action will benefit DMC service providers through the provision of the recent (FY 2011/2012) reimbursement rates for these services, which in turn facilitates the delivery of these vital services to beneficiaries.

Effect on Small Businesses

The Department has determined that the regulations would only affect small businesses that voluntarily provide DMC services.

Effect on Housing Costs

The Department has determined that the regulations would have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, 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.

ASSISTIVE SERVICES

For individuals with disabilities, the Department can provide assistive services such as the conversion of written materials into Braille, large print, audiocassette and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note takers, reading or writing assistance. To request these assistive services, please call (916) 440-7695 (or California Relay at 711 or 1-800-735-2929), email — regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

The Department shall provide, upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, a narrative description of the additions to, and deletions from, the California Code of Regulations or other publication in a manner that allows for accurate translation by reading software used by the visually impaired. Providing this description may require extending the period of public comment for the proposed action pursuant to Government Code Section 11346.6.

CONTACT PERSONS

Inquiries regarding the substance of the regulations described in this notice may be directed to Robert Maus, Manager, Program and Fiscal Policy Branch, at (916) 323-1074.

All other inquiries concerning the regulatory action described in this notice may be directed to Lori Manieri, Office of Regulations, at (916) 650-6825, or to the designated backup contact person, Lynette Cordell, at (916) 440-7695.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Department has prepared and has available for public review an initial statement of reasons for the regulations, all the information upon which the regulations are based, and the text of the regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the regulations (rulemaking file). In addition, a copy of the final statement

of reasons (when prepared) will be available upon request from the Office of Regulations.

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

Materials regarding the regulatory action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) are posted to the Department's Internet site at: <http://www.dhcs.ca.gov/formsandpubs/laws/Pages/ProposedRegulations.aspx>.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711 or 1-800-735-2929), email regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ITEM # 1 In-Home Supportive Services (IHSS) Minor Recipients Living With Parents

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held December 4, 2013, as follows:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 4, 2013.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the

full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
 California Department of Social Services
 744 P Street, MS 8-4-192
 Sacramento, California 95814
 TELEPHONE: (916) 657-2586
 FACSIMILE: (916) 654-3286
 E-MAIL: ord@dss.ca.gov

CHAPTERS

CDSS Manual of Policies and Procedures (MPP), Division 30 (Social Service Standards), Chapter 30-700 (Service Program No. 7: In-Home Supportive Services), Section 30-763 (Service Authorization).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of this regulatory package is to resolve the discrepancy between current regulation § MPP 30-763.453 and Welfare and Institutions Code § 12300(e). It was determined by CDSS that the current regulation goes beyond the scope of the statute by limiting when a parent provider can receive payment for providing IHSS to their minor child with whom they reside.

Current statute allows for parents meeting specific criteria to be paid parent-providers, with no restrictions for two-parent households. Current regulations, however, deduct time from the parent-provider's IHSS hours when the non-provider parent is in the home. The

current regulations in this area are inconsistent with the intent of the statute and state hearing decisions. In the new regulations, time is not automatically deducted from a parent-provider's IHSS hours when the non-provider parent is in the home. The new regulations will provide clarity and consistent direction to counties that is consistent with statute.

In addition to resolving this discrepancy, language was added to improve clarity to §30-763.44 and §30-763.45. Language was added concerning persons having a duty under the Family Code to care for his/her child. Parental availability to care for his/her own child is more distinctly addressed in the proposed regulations. The proposed regulations provide examples of when a parent or non-parent may be paid to provide IHSS for their child. The proposed regulations provide a definition of full-time parental employment for the purposes of IHSS, and address the issue of parental employment from home. In addition, clean-up language was completed for current §30-763.454(c) and (e). §30-763.457 was added to clarify that parents of minor recipients are not eligible providers under the Personal Care Services Program (PCSP).

The Department anticipates that these proposed regulations will benefit California residents by increasing the overall IHSS program integrity in assessing the eligibility of applicants and recipients in a manner consistent with state statute. The proposed regulations will also provide consistent economic support to parents who are prevented from full-time employment because of the need to care for their disabled child(ren).

The Department considered other possible related regulations, and found the proposed regulations are the only regulations addressing minor IHSS recipients living with parent(s); therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of WIC 12300(e) and state hearing decisions.

COST ESTIMATE

1. Costs or Savings to State Agencies: The funding for this change is already included in the Local Assistance portion of the Governor's Budget. No additional fiscal impact is assumed.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500-17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: The funding for this change is already included in the Local Assistance portion of the Governor's Budget. No additional fiscal impact is assumed.

4. Federal Funding to State Agencies: The funding for this change is already included in the Local Assistance portion of the Governor's Budget. No additional fiscal impact is assumed.

LOCAL MANDATE STATEMENT

These regulations impose a mandate on local IHSS agencies, but not on school districts. There are no "State-mandated local costs" in these regulations that require State reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this action only pertains to eligibility determinations for IHSS with no significant fiscal effects.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: These amendments

will improve the health and welfare of California residents by providing clarity in the IHSS regulations concerning minor recipients living with their parent(s).

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing this regulatory action, CDSS did not consider any other alternatives because no other practical alternatives exist.

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are 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.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554. Subject regulations implement and make specific Sections 12300(b) and (e) and 14132.95(f), Welfare and Institutions Code; and Section 11342.2, Government Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Everardo Vaca
(916) 657-2586

Backup: Zaid Dominguez
(916) 657-2586

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ITEM #2 In-Home Supportive Services (IHSS) Health Care Certification

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held December 4, 2013, as follows:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 4, 2013.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
 California Department of Social Services
 744 P Street, MS 8-4-192
 Sacramento, California 95814
 TELEPHONE: (916) 657-2586
 FACSIMILE: (916) 654-3286
 E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policy and Procedure (MPP) Chapter 30

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations adopt new language in the Manual of Policies and Procedures (MPP), Division 30, Chapter 30, Sections 30-752 et seq., In-Home Supportive Services (IHSS), Health Care Certification. In 2011, the legislature enacted Senate Bill 72, Chapter 8, which added Section 12309.1 to the Welfare and Institutions Code (WIC). The proposed regulations require applicants of the IHSS program to obtain a certification from a licensed health care professional (LHCP), as specified in WIC section 12309.1, as a condition of receiving IHSS benefits. The SB72 required California Department of Social Services (CDSS), in consultation with California Department of Health Care Services (CDHCS), to develop a standard certification form for this purpose. The California Department of Social Services In-Home Supportive Services Program Health Care Certification Form (SOC 873) was implemented by All-County Letter (ACL) No. 11-55 dated July 27, 2011, effective August 1, 2011. A follow up ACL addressing the exceptions to authorizing IHSS benefits prior to receiving the SOC 873 was released in November 2011.

The purpose of these regulations is to ensure that prior to authorization of IHSS, applicants provide SOC 873 signed by a LHCP declaring that the individual is unable to perform some activity of daily living independently, without IHSS the individual would be at risk of placement in out-of-home care, and that IHSS benefits are needed for the applicant/recipient to remain safely in their own home. Moreover, the LHCP's declaration on the SOC 873 is only one indicator of eligibility.

The proposed regulations define the basic eligibility requirements for the MSS program, provide clear instructions to the counties of the timeframe for requesting SOC 873, provide the timeframe for an applicant/recipient to submit the LHCP signed SOC 873, and specify the exception criteria for authorizing services prior to the county receiving SOC 873.

The regulations contained in this package concern IHSS applicants who are not included in the definition of small businesses pursuant to Section 11342 of the Government Code. As such, they do not impact small businesses either in terms of occupations, reporting requirements, competitiveness, fees, charges, or assessments. These regulations carry no compliance requirements for small businesses. Hence, small businesses will incur no information or transaction costs associated with compliance with these regulations.

ANTICIPATED BENEFITS

The Department anticipates that these proposed regulations will benefit program stakeholders by consoli-

dating the rules relating to providing a health care certification for IHSS eligibility into a single place (i.e., the Manual of Policies and Procedures), which have to date been released via multiple ACLs. A further benefit of the health care certification regulations, is to promote program integrity (i.e., fraud prevention) by having a licensed health care professional declare the applicant has a legitimate need to receive IHSS benefits. Because these regulations are concerned only with ensuring that an applicant has a signed declaration of need for IHSS benefits, signed by a LHCP, they do not impose any additional costs or fees on individual, nor will they result in higher product prices or in diminished product choices or quality of good and services produced in the private sector.

The Department reviewed existing program regulations and determined that no other regulations address the requirements for providing a healthcare certification. These proposed regulations are not only consistent and compatible with existing state regulations but also with the intent of the Legislature in enacting SB 72 and WIC section 12309.1.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No funding impact.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are state-mandated local costs that require reimbursement, which is provided in the Budget Act to cover any costs that local agencies may incur.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on these regulations only apply to individuals applying for IHSS services.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to IHSS applicants, state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The Department anticipates that these proposed regulations will benefit program stakeholders by consolidating the rules relating to providing a health care certification for IHSS eligibility into a single place (i.e., the Manual of Policies and Procedures), which have to date been released via multiple ACLs. A further benefit of the health care certification regulations, is to promote program integrity (i.e., fraud prevention) by having a licensed health care professional declare the applicant has a legitimate need to receive IHSS benefits.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are 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. No other alternatives were identified or brought to the attention of CDSS in this context.

AUTHORITY AND REFERENCE CITATIONS

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Chapter 939, Statutes of

1992. Reference: Section 12309.1, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE
RULEMAKING PROCESS OF THE
PROPOSED REGULATION

Contact Person: Kenneth Jennings
(916) 657-2586

Backup: Zaid Dominguez
(916) 657-2586

GENERAL PUBLIC INTEREST

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**NOTICE OF ADOPTION OF REFERENCE
EXPOSURE LEVELS FOR CAPROLACTAM**

October 18, 2013

The Office of Environmental Health Hazard Assessment (OEHHA) is adopting Reference Exposure Levels (RELs) for caprolactam. Reference Exposure Levels are airborne concentrations of a chemical that are not anticipated to result in adverse non-cancer health effects for specified exposure durations in the general population, including sensitive subpopulations.

OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In response to this statutory requirement, OEHHA has developed RELs for caprolactam. These were developed using the most recent "Air Toxics Hot Spots Program Technical Support Document for the Derivation of Noncancer Reference Exposure Levels," released by OEHHA in 2008. This method allows for the estimation of acute, 8-hour and chronic RELs for use in Air Toxics Hot Spots program risk assessments.

A draft of the caprolactam RELs was released on May 21, 2010 to solicit public comment, and was discussed at public workshops in Oakland and Diamond Bar, CA during the subsequent 45-day public review period. The document was revised to reflect public comments, and peer reviewed by the State's Scientific Review Panel on Toxic Air Contaminants (SRP). The document was reviewed and approved by the SRP in 2011.

The REL values are as follows:

Acute REL (for a 1-hour exposure):

50 µg/m³ (11 ppb)

8-Hour REL (for repeated 8-hour exposures):

7 µg/m³ (1.4 ppb)

Chronic REL (for long-term exposures):

2.2 µg/m³ (0.5 ppb)

The final document is available on the OEHHA Home Page at <http://www.oehha.ca.gov>.

Please direct any inquiries concerning technical matters or availability of the documents to:

Dr. David Siegel

Chief, Air, Community, and Environmental

Research Branch

Office of Environmental Health Hazard Assessment

1001 I St

Sacramento, CA 95814

E-mail: david.siegel@oehha.ca.gov

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**WITHDRAWAL OF NOTICE OF INTENT TO
CHANGE THE BASIS FOR LISTING AS
KNOWN TO THE STATE OF CALIFORNIA TO
CAUSE REPRODUCTIVE TOXICITY:
HEXAFLUOROACETONE AND
PHENYLPHOSPHINE**

OCTOBER 18, 2013

The Office of Environmental Health Hazard Assessment (OEHHA) is withdrawing its September 20, 2013 notice announcing its intention to change the basis for the listing of *hexafluoroacetone* (CAS No. 684-16-2) and *phenylphosphine* (CAS No. 638-21-1) as known to the state to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986¹. OEHHA is not proceeding with its proposal to change the basis for the listing of the two chemicals via the Labor Code at this time.

The chemicals will instead be referred to the Developmental and Reproductive Toxicant Identification

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

Committee (DARTIC) at a future meeting to determine whether the chemicals should remain on the list as known to cause, reproductive toxicity. An opportunity to provide comments will be provided prior to the DARTIC meeting at which the chemicals will be considered.

Corresponding with this change, the public notice OEHHA issued about “Proposition 65 Listed Chemicals Affected by the Hazard Communications Standard Amendments” on September 20, 2013 is revised as follows:

Chemical	CAS No.	Action
Hexafluoroacetone	684-16-2	Refer to the DARTIC to determine whether to retain listing as causing reproductive toxicity.
Phenylphosphine	638-21-1	Refer to the DARTIC to determine whether to retain listing as causing reproductive toxicity.

**RULEMAKING PETITION
DECISION**

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

August 30, 2013

Mr. C.D. Michel
Senior Counsel
Michel & Associates, P.C.
180 East Ocean Boulevard, Suite 200
Long Beach, CA 90802

PETITION REQUESTING A MODIFICATION TO
CALIFORNIA REGULATORY LAW BASED THE
[SIC] RANGE CLEARANCE EXCEPTION
STATED IN THE FEDERAL MILITARY
MUNITIONS RULE (40 C.F.R. § 266.202)

Dear Mr. Michel:

The Department of Toxic Substances Control (DTSC) received the subject Petition dated July 25, 2013, on behalf of Petitioners Michel & Associates, P.C., and Turner/Maclane Environmental Consulting, Inc. pursuant to Government Code section 11340.6 (Petition) on July 31, 2013. We are providing this re-

sponse to inform you of our decision denying the Petition pursuant to Government Code section 11340.7.

The Petition requested regulatory modifications to effect a clarification or change to existing law and requested that DTSC adopt the federal Military Munitions Rule to exempt from regulation certain soils. The soils at issue are from outdoor shooting ranges, often berms, that a) are collected and sifted (for recyclable spent bullets) onsite, b) potentially or actually contain lead fine powder, and c) are being applied or re-applied to the land. The Petition references the Hazardous Waste Control Law (HWCL) by citation, the Hazardous Substances Account Act (HSAA) by name, and the implementing regulations found in division 4.5 of title 22 of the California Code of Regulations (CCR), with specific references to the Health and Safety Code (HSC), sections 25143.2, 25150, 25189.5, 25113, and CCR, title 22, sections 66261.2, -66260.10, 66267.10, as well as references to the federal Resource Conservation and Recovery Act (RCRA) regulations in the Code of Federal Regulations. As noted in the Petition, DTSC’s statutory authority to issue and implement regulations is under the HSC, section 25150 for the HWCL. For your reference, the analogous reference for the HSAA is HSC, section 25351.5.

DTSC is denying the request for regulatory change at this time based on preemption and because it is inconsistent with the existing authorizing statute, i.e., HSC, sections 25201 and 25143.2, subdivisions (a), e)(1) and (e)(2) of the HWCL and regulations governing hazardous waste used in a manner constituting disposal (CCR, tit. 22, §§ 66266.20-21) and possibly, land disposal of hazardous substances (CCR, tit. 22, § 66268.1 et seq.). Because the requested regulatory change would also render DTSC’s regulations less protective than federal standards, DTSC is prohibited from doing so.

The United States Environmental Protection Agency (US EPA) shooting range guidance document and the US EPA policy of viewing non-military shooting ranges as falling under the military munitions rule are contained in guidance rather than in the text of the federal regulations or RCRA itself. To incorporate the US EPA policy would make the California regulations less protective than the federal standards, and therefore ineffective. Therefore, DTSC finds granting the petitioner’s request would be inconsistent with both the HWCL and codified federal laws and regulations.

However, DTSC is committed to examining further the issues raised in your petition and to taking any appropriate actions. To that end, DTSC has assigned Ms. Valetti Lang as the contact person for this topic. Ms. Lang can be reached at (916) 324-1815 or via e-mail at Valetti.Lang@dtsc.ca.gov.

Consistent with Government Code section 11340.7, interested persons may obtain a copy of this Petition

from DTSC. Similarly, this decision will also be submitted to the Office of Administrative Law for publication in the California Regulatory Notice Register at the earliest practicable date.

We look forward to working with you further on this subject.

Sincerely,

/s/

Rick Brausch, Chief
Policy and Program Support Division
Hazardous Waste Management Program

cc: Ms. Valetti Lang, Chief
Research and Policy Development Branch
Policy and Program Support Division
Hazardous Waste Management Program
Department of Toxic Substance Control
PO Box 806
Sacramento, California 95812-0806

DISAPPROVAL DECISION

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of disapproval decisions are available at www.oal.ca.gov under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

In re:
Department of Toxic Substances Control

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: 66273.7.1

Amend sections: 66260.10, 66261.6, 66261.9,
66273.1, 66273.9, 66273.32,
66273.33, 66273.34, 66273.36,
66273.39, 66273.51

Repeal sections:

**DECISION OF DISAPPROVAL
OF REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2013-0819-03S

SUMMARY OF REGULATORY ACTION

On August 19, 2013, the Department of Toxic Substances Control (Department) submitted to the Office of Administrative Law (OAL) its proposed regulatory action to amend various sections in title 22, division 4.5, chapters 10, 11, and 23 of the California Code of Regulations (CCR). The proposed amendments would regulate photovoltaic (PV) modules as hazardous waste, define PV modules, create exemptions to hazardous waste management requirements for these PV modules, and provide requirements for these exemptions.

On October 1, 2013, OAL notified the Department that OAL disapproved the proposed regulations because the regulations failed to comply with the consistency and clarity standards of Government Code section 11349.1 and the Department failed to follow procedures required by the Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

DECISION

OAL disapproved the above-referenced regulatory action for the following reasons:

1. The proposed regulations failed to comply with the consistency standard of Government Code section 11349.1, subdivision (a)(4);
2. The proposed regulations failed to comply with the clarity standard of Government Code section 11349.1, subdivision (a)(3); and
3. The Department failed to follow the required APA procedures by omitting to:
 - a. summarize and respond to all of the public comments made regarding the proposed action pursuant to Government Code section 11346.9, subdivision (a)(3); and
 - b. include in the rulemaking file all data and other factual information, technical, theoretical, and empirical studies or reports, if any, on which the agency is relying, pursuant to Government Code section 11347.3, subdivision (b)(7).

All APA issues must be resolved prior to OAL's approval of any resubmission.

CONCLUSION

For the reasons stated above, OAL disapproved this regulatory action proposed by the Department. If you have any questions, please contact me at (916) 323-6824.

Date: October 8, 2013

Thanh Huynh
Staff Counsel
FOR: DEBRAM. CORNEZ
Director

Original: Deborah Raphael

Copy: Manpreet Singh, Robert Sullivan, Ron Ohta

**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# 2013-0927-06
CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY
Sales and Use Tax Exclusion Program

The California Alternative Energy and Advanced Transportation Financing Authority submitted this emergency rulemaking action to amend seven sections in title 4 of the California Code of Regulations. The proposed regulations will incorporate "advanced manufacturing" processes, as authorized in SB 1128 (Stats.2012, ch. 677), into the existing sales and use tax exclusion program currently available for manufacturers of alternative source products and advanced transportation products. The proposed regulations will also clarify eligibility and evaluation criteria for reviewing applications from manufacturers of energy efficiency products, which are considered alternative source products, and make a number of administrative changes.

Title 4
California Code of Regulations
AMEND: 10030, 10031, 10032, 10033, 10034,
10035, 10036
Filed 10/07/2013
Effective 10/07/2013
Agency Contact: Alejandro Ruiz (916) 653-2749

File# 2013-0903-15
CALIFORNIA ARCHITECTS BOARD
Intern Development Program Guidelines Alignment

The California Architects Board (Board) amended sections 109 and 117 of title 16 of the California Code of Regulations. The amendment to section 109 will update the incorporation by reference of the National Council of Architectural Registration Board's (NCARB) Intern Development Program Guidelines from a July 2011 version to the current November 2012 version. The amendment to section 117 will allow the Board to recognize an academic internship that has been approved by NCARB toward additional experience credit for work performed as part of an intern development program.

Title 16
California Code of Regulations
AMEND: 109, 117
Filed 10/09/2013
Effective 01/01/2014
Agency Contact: Timothy Rodda (916) 575-7217

File# 2013-0828-04
CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY
CPCFA Bond Financing Program — Equipment Only
Financing Program

This rulemaking by the California Pollution Control Financing Authority (CPCFA) makes permanent the changes to section 8035.5, title 4, of the California Code of Regulations (CCR) relating to the Equipment Only Bond Financing Program (program) previously adopted as emergency regulations in Office of Administrative Law file No. 2013-0329-01E. Specifically, this rulemaking adopts previously expired section 8035.5 and extends the program expiration date to December 31, 2014.

Title 4
California Code of Regulations
ADOPT: 8035.5
Filed 10/07/2013
Agency Contact: Andrea Gonzalez (916) 651-7284

File# 2013-0821-01
DEPARTMENT OF DEVELOPMENTAL SERVICES
Genetic Counselor

This action by the California Department of Developmental Services (DDS) makes changes without regulatory effect pursuant to section 100, Title 1, of the California Code of Regulations (CCR) to align the classification code definition of "genetic counselor" with sections 124981 and 12982 of the Health and Safety Code and section 6301.9, Title 17, of the CCR.

Title 17
 California Code of Regulations
 AMEND: 54342(a)(29)
 Filed 10/02/2013
 Agency Contact: Jeffrey Greer (916)654-2201

File# 2013-0822-02
 DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
 Fair Employment and Housing Act

These changes without regulatory effect conform the regulations of the former Fair Employment and Housing Commission (the Commission) to the statutory changes made by Senate Bill 1038 (Chapter 46, 2012). The action repeals certain of the former Commission's regulations for which there is no longer statutory authority. The action renumbers and relocates the regulations within Division 4.1 of Title 2 as the regulations of the newly established Fair Employment and Housing Council. The action also makes non-substantive grammatical and style changes to the regulations as well as changes to Authority and Reference citations.

Title 2
 California Code of Regulations
 AMEND: Amend and renumber sections: 7285.0 (11000), 7285.1 (11001), 7285.2 (11002), 7285.4 (11003), 7285.7(11004), 7286.0 (11005), 7286.1 (11005.1), 7286.3 (11006), 7286.4 (11007), 7286.5 (11008), 7286.6 (11009), 7286.7(11010), 7286.8 (11011), 7287.0 (11013), 7287.1 (11014), 7287.2 (11015), 7287.3 (11016), 7287.4 (11017), 7287.6 (11019), 7287.7 (11020), 7287.8 (11021), 7287.9 (11022), 7288.0 (11023), 7289.4 (11027), 7289.5 (11028), 7290.6 (11029), 7290.7 (11030), 7290.8 (11031), 7290.9 (11032), 7291.0 (11033), 7291.1(11031), 7291.2 (11035), 7291.3 (11036), 7291.4 (11037), 7291.6 (11039), 7291.7 (11040), 7291.8 (11041), 7291.9 (11042), 7291.10 (11043), 7291.11 (11044), 7291.12 (11045), 7291.13 (11046), 7291.14 (11047), 7291.16 (11049), 7291.17 (11050), 7291.18 (11051), 7292.0 (11052), 7292.1 (11053), 7292.2 (11054), 7292.3 (11055), 7292.4 (11056), 7292.6 (11058), 7293.0 (11059), 7293.1 (11060), 7293.2 (11061), 7293.3 (11062), 7293.4 (11063), 7293.5 (11064), 7293.6 (11065), 7293.7 (11066), 7293.8 (11067), 7293.9 (11068), 7294.0 (11069), 7294.1 (11070), 7294.2 (11071), 7295.0 (11074), 7295.1 (11075), 7295.2 (11076), 7295.3 (11077), 7295.4 (11078), 7295.5 (11079), 7295.6 (11080), 7295.7 (11081), 7295.8 (11082), 7295.9 (11083), 7296.0 (11084), 7296.1 (11085), 7296.2 (11086), 7297.0 (11087), 7297.1 (11088), 7297.2 (11089), 7297.3 (11090), 7297.4 (11091), 7297.5 (11092), 7297.6 (11093), 7297.7 (11094),

7297.9 (11096), 7297.10 (11097), 7297.11 (11098), 8101 (11099), 8102 (11100), 8102.5 (11101), 8103 (11102), 8104 (11103), 8106 (11104), 8107 (11105), 8109 (11107), 8112 (11108), 8113 (11109), 8114 (11110), 8115 (11111), 8117 (11113), 8117.5 (11114), 8118 (11115), 8119 (11116), 8120 (11117), 8200 (11118), 8201 (11119), 8202 (11120), 8202.5 (11121), 8203 (11122), 8205 (11124), 8300 (11125), 8301 (11126), 8302 (11127), 8303 (11128), 8310 (11130), 8311 (11131), 8312 (11132), 8400 (11133), 8401 (11134), 8402 (11135), 8403 (11136), 8500 (11137), 8501 (11138), 8503 (11140), 8504 (11141); Renumber sections: 7287.5 (11018), 7288.1 (11024), 7288.2 (11025), 7288.3(11026), 7291.5 (11038), 7292.5 (11057), 7294.3 (11072), 7294.4 (11073), 8108 (11106), 8116 (11112), 8204 (11123), 8304 (11129), 8502 (11139) REPEAL: 7285.3, 7285.5, 7285.6, 7286.9, 7291.15, 7297.8, 7400 , 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430, 7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438
 Filed 10/03/2013
 Agency Contact: Annmarie Billotti (916)478-7247

File# 2013-0903-14
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This regulatory action by the Department of Food and Agriculture is a certificate of compliance for two separate emergency regulatory actions amending section 3435 of title 4 of the California Code of Regulations to expand the quarantine area for Asian Citrus Psyllid (ACP) to include all of Riverside, San Bernardino, and Santa Barbara counties. The effect of these emergency amendments was to provide authority for the State to perform quarantine activities against ACP within the additional area within those counties and the existing quarantined areas in those counties.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 10/07/2013
 Agency Contact: Lindsay Rains (916)654-1017

File# 2013-0827-03
 DEPARTMENT OF MANAGED HEALTH CARE
 State Medical Loss Ratio Annual Report

This rulemaking by the Department of Managed Health Care amends Title 28 of the California Code of Regulations by adopting section 1300.67.003 to establish the process and due date of the medical loss ratio information required to be submitted to the State. California Health and Safety Code section 1367.003

was enacted as part of California’s implementation of the Affordable Care Act and provides for annual rebates to enrollees based on the medical loss ratio reporting and calculations.

Title 28
California Code of Regulations
ADOPT: 1300.67.003
Filed 10/07/2013
Effective 01/01/2014
Agency Contact: Jennifer Willis (916)324-9014

File# 2013-0926-01
DIVISION OF LABOR STANDARDS
ENFORCEMENT
Child Performer Services Permit

This regulatory action establishes a permit process for those who represent or provide specified services to a minor who is an “artist” in the entertainment industry. The purpose is to protect such minors from persons who are required to be registered as sex offenders. It includes procedures for the denial, revocation or suspension of these permits.

Title 8
California Code of Regulations
ADOPT: 11770, 11771.1, 11771.3, 11772, 11773
Filed 10/03/2013
Effective 10/03/2013
Agency Contact: Jennifer Stevens (916)263-3400

File# 2013-0925-02
FAIR POLITICAL PRACTICES COMMISSION
Ballot Measure Committees Controlled by Candidates for Elective State Office

Amendments made by the Fair Political Practices Commission in this action amend provisions dealing with ballot measure committees controlled by candidates for elective state office.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL’s review is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.” (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2
California Code of Regulations
AMEND: 18521.5
Filed 10/03/2013
Effective 11/02/2013
Agency Contact:
Virginia Latteri-Lopez (916) 322-5660

File# 2013-0925-03
FAIR POLITICAL PRACTICES COMMISSION
Paid Online Communication

Amendments made by the Fair Political Practices Commission in this action amend provisions dealing with paid online communication.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL’s review is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.” (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2
California Code of Regulations
ADOPT: 18421.5
Filed 10/03/2013
Effective 11/02/2013
Agency Contact:
Virginia Latteri-Lopez (916) 322-5660

File# 2013-0925-04
FAIR POLITICAL PRACTICES COMMISSION
Definition of Lobbyist

Amendments made by the Fair Political Practices Commission in this action amend the definition of lobbyist.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL’s review is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of

State.” (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 467, § 2.)

Title 2
 California Code of Regulations
 AMEND: 18239
 Filed 10/03/2013
 Effective 11/02/2013
 Agency Contact:
 Virginia Latteri-Lopez (916) 322-5660

File# 2013-0821-02
 FISH AND GAME COMMISSION
 Depredation Permit Application

This rulemaking amends one section in Title 14 of the California Code of Regulations and deletes one section. This rulemaking clarifies the duration of depredation permits based on the animal identified in the permit. This rulemaking also adds bobcats to the list of animals requiring a depredation permit. In response to SB 1221 further requirements are added for the use of dogs to take a bobcat or bear. There are several other changes made in this rulemaking to clarify the procedures when a bobcat or bear is taken. Additionally, a form previously incorporated by reference is being deleted and the required information for a depredation permit is being placed directly into the text of the regulation. Finally, the prohibition of persons convicted of certain wildlife violation from taking animals pursuant to a depredation permit is increased from 12 months to 24 months.

Title 14
 California Code of Regulations
 AMEND: 401
 REPEAL: 480
 Filed 10/02/2013
 Effective 11/01/2013
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2013-0827-01
 Office of Statewide Health Planning and Development
 OSHPD Patient Data/Definitions of Inpatient and Provider

This action without regulatory effect amends the definitions of “inpatient” and “provider.”

Title 22
 California Code of Regulations
 AMEND: 97212
 Filed 10/02/2013
 Agency Contact:
 Cristal Schoenfelder (916) 326-3930

File# 2013-0917-01
 STATE MINING AND GEOLOGY BOARD
 Designation of Mineral Lands in San Gabriel PCC Region, Los Angeles, County

The State Mining and Geology Board is amending section 3550.5 in title 14 of the California Code of Regulations designating areas of regional significance for construction aggregate resources in the San Gabriel Production-Consumption Region, Los Angeles County.

Title 14
 California Code of Regulations
 AMEND: 3550.5
 Filed 10/02/2013
 Effective 01/01/2014
 Agency Contact: Stephen M. Testa (916) 322-1082

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 8, 2013 TO
 October 9, 2013**

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
 10/03/13 AMEND: 18521.5
 10/03/13 ADOPT: 18421.5
 10/03/13 AMEND: 18239
 10/03/13 AMEND: Amend and renumber sections: 7285.0 (11000), 7285.1 (11001), 7285.2 (11002), 7285.4 (11003), 7285.7 (11004), 7286.0 (11005), 7286.1 (11005.1), 7286.3 (11006), 7286.4 (11007), 7286.5 (11008), 7286.6 (11009), 7286.7(11010), 7286.8 (11011), 7287.0 (11013), 7287.1 (11014), 7287.2 (11015), 7287.3 (11016), 7287.4 (11017), 7287.6 (11019), 7287.7 (11020), 7287.8 (11021), 7287.9(11022), 7288.0 (11023), 7289.4 (11027), 7289.5 (11028), 7290.6 (11029), 7290.7 (11030), 7290.8 (11031), 7290.9 (11032), 7291.0 (11033), 7291.1 (11031), 7291.2 (11035), 7291.3 (11036), 7291.4 (11037), 7291.6 (11039), 7291.7

(11040), 7291.8 (11041), 7291.9	7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438
(11042), 7291.10 (11043), 7291.11	
(11044), 7291.12 (11045), 7291.13	09/23/13 REPEAL: 58700
(11046), 7291.14 (11047), 7291.16	09/23/13 REPEAL: 53200
(11049), 7291.17 (11050), 7291.18	09/23/13 REPEAL: 53400
(11051), 7292.0 (11052), 7292.1	09/23/13 REPEAL: 57100
(11053), 7292.2 (11054), 7292.3	09/19/13 AMEND: 2970
(11055), 7292.4 (11056), 7292.6	09/16/13 REPEAL: 56500
(11058), 7293.0 (11059), 7293.1	09/16/13 REPEAL: 59580
(11060), 7293.2 (11061), 7293.3 (11062), 7293.4 (11063), 7293.5 (11064), 7293.6	09/12/13 REPEAL: 56400
(11065), 7293.7 (11066), 7293.8	09/12/13 REPEAL: 52700
(11067), 7293.9 (11068), 7294.0	09/12/13 REPEAL: 54500
(11069), 7294.1 (11070), 7294.2	09/09/13 AMEND: 649.56
(11071), 7295.0 (11074), 7295.1	08/23/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1
(11075), 7295.2 (11076), 7295.3	
(11077), 7295.4 (11078), 7295.5	08/12/13 ADOPT: 579, 579.1, 579.2, 579.4, 579.24
(11079), 7295.6 (11080), 7295.7	
(11081), 7295.8 (11082), 7295.9	07/24/13 AMEND: 599.500, 599.508
(11083), 7296.0 (11084), 7296.1	07/23/13 AMEND: 35101
(11085), 7296.2 (11086), 7297.0	06/25/13 ADOPT: 1859.97 AMEND: 1859.2, Form SAB 50-02, 1859.90.2
(11087), 7297.1 (11088), 7297.2	
(11089), 7297.3 (11090), 7297.4	06/24/13 AMEND: 18247.5, 18413, 18427.1
(11091), 7297.5 (11092), 7297.6	06/03/13 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
(11093), 7297.7 (11094), 7297.9 (11096), 7297.10 (11097), 7297.11 (11098), 8101 (11099), 8102 (11100), 8102.5 (11101), 8103 (11102), 8104 (11103), 8106 (11104), 8107 (11105), 8109 (11107), 8112 (11108), 8113 (11109), 8114 (11110), 8115 (11111), 8117 (11113), 8117.5 (11114), 8118 (11115), 8119 (11116), 8120 (11117), 8200 (11118), 8201 (11119), 8202 (11120), 8202.5 (11121), 8203 (11122), 8205 (11124), 8300 (11125), 8301 (11126), 8302 (11127), 8303 (11128), 8310 (11130), 8311 (11131), 8312 (11132), 8400 (11133), 8401 (11134), 8402 (11135), 8403 (11136), 8500 (11137), 8501 (11138), 8503 (11140), 8504 (11141); Renumbr sections: 7287.5 (11018), 7288.1 (11024), 7288.2 (11025), 7288.3 (11026), 7291.5 (11038), 7292.5 (11057), 7294.3 (11072), 7294.4 (11073), 8108 (11106), 8116 (11112), 8204 (11123), 8304 (11129), 8502 (11139) REPEAL: 7285.3, 7285.5, 7285.6, 7286.9, 7291.15, 7297.8, 7400, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430,	05/16/13 ADOPT: 59740
	05/15/13 AMEND: 599.500, 599.501, 599.502, 599.508
	Title 3
	10/07/13 AMEND: 3435(b)
	09/30/13 AMEND: 3435(b)
	09/20/13 AMEND: 3435(b)
	09/12/13 ADOPT: 2320.3, 2320.4(a), 2320.4(b), 2320.4(c), 2324, 2325 AMEND: 2302, 2304, 2304(b)(1), 2304(d), 2322, 2322.3
	09/12/13 ADOPT: 3591.11
	09/10/13 AMEND: 3434(b), 3434(c)
	09/06/13 AMEND: 3589(a)
	08/12/13 AMEND: 3435(b)
	08/09/13 AMEND: 3423(b)
	07/30/13 AMEND: 3435(b)
	07/11/13 AMEND: 3591.12(a)
	07/08/13 AMEND: 1701, 1701.1, 1701.2, 1702, 1703.2, 1703.3 REPEAL: 1703.4, 1703.5
	07/02/13 AMEND: 1310
	06/26/13 AMEND: 2751(b)
	06/19/13 AMEND: 3435(b)
	06/19/13 AMEND: 3435(b)
	05/23/13 ADOPT: 6558, 6577, 6880, 6884, 6886 AMEND: 6452, 6452.2, 6452.4 (renumbered to 6881), 6890 (renumbered to 6864)

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 42-Z

05/22/13	AMEND: 3434(b)	09/25/13	AMEND: 20101, 20107, 20190
05/20/13	AMEND: 3434(b)		REPEAL: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157
Title 4		09/25/13	AMEND: 11530, 11531, 11532
10/07/13	AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036	09/17/13	AMEND: 4600, 4610, 4630, 4631, 4633, 4650, 4611, 4620, 4621, 4622, 4632, 4640
10/07/13	ADOPT: 8035.5	09/16/13	AMEND: 80499
09/27/13	ADOPT: 12014	09/05/13	AMEND: 19816, 19828.4
09/24/13	AMEND: 8035	08/12/13	AMEND: 58312
09/03/13	AMEND: 4180, 4181	08/12/13	AMEND: 80003, 80004, 80048.6
08/16/13	ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15	07/10/13	AMEND: 80021.1, 80023, 80023.1, 80023.2, 80025.5 REPEAL: 80024.1, 80024.2, 80024.2.1, 80024.3.2, 80024.4, 80024.5
08/06/13	ADOPT: 2086, 2086.1, 2086.5, 2086.6, 2086.7, 2086.8, 2086.9, 2087, 2087.5, 2087.6, 2088, 2088.6, 2089, 2089.5, 2089.6, 2090, 2090.5, 2090.6, 2091, 2091.5, 2091.6, 2092, 2092.5, 2092.6, 2093	06/12/13	ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3
07/31/13	AMEND: 12357, 12463, 12464	06/05/13	AMEND: 19816, 19816.1, 19839
07/25/13	AMEND: 5170, 5190, 5205, 5212, 5230, 5250	05/23/13	ADOPT: 30000.5, 30010, 30040, 30040.2, 30040.6, 30041, 30041.5, 30042, 30042.5, 30044.5 AMEND: 30000, 30001, 30002, 30005, 30009, 30020, 30021, 30022, 30030, 30032, 30033
07/22/13	AMEND: 8072	05/14/13	ADOPT: 30737, 30738 AMEND: 30730, 30731, 30733, 30734, 30736
07/22/13	AMEND: 10322, 10325, 10326	Title 8	
07/08/13	ADOPT: 5342, 5343, 5344, 5345, 5346, 5347, 5348	10/03/13	ADOPT: 11770, 11771.1, 11771.3, 11772, 11773
06/03/13	AMEND: 12101, 12120, 12122, 12126, 12130, 12132, 12140, 12142, 12200, 12200.3, 12200.5, 12200.6, 12200.10B, 12200.14, 12200.20, 12202, 12203, 12203A, 12203.2, 12203.3, 12205.1, 12218, 12218.7, 12218.8, 12218.9, 12220, 12220.3, 12220.5, 12220.6, 12220.14, 12220.20, 12222, 12223, 12225.1, 12233, 12235, 12238, 12239, 12301, 12301.1, 12302, 12303, 12304, 12305, 12309, 12310, 12342, 12345, 12349, 12350, 12351, 12352, 12354, 12357, 12358, 12359, 12370, 12372, 12401, 12402, 12403, 12404, 12464, 12480, 12492, 12496, 12500, 12503, 12505, 12508, 12591	09/30/13	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795
06/03/13	AMEND: 5170, 5190, 5205, 5212, 5230, 5250	09/30/13	ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12
05/23/13	ADOPT: 12364 AMEND: 12004	09/30/13	ADOPT: 10205, 10205.12, 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208
05/22/13	ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060	09/24/13	ADOPT: 9789.12.1, 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.5, 9789.12.6, 9789.12.7, 9789.12.8, 9789.12.9, 9789.12.10, 9789.12.11, 9789.12.12, 9789.12.13, 9789.12.14, 9789.12.15, 9789.13.1, 9789.13.2, 9789.13.3, 9789.14, 9789.15.1, 9789.15.2, 9789.15.3, 9789.15.4, 9789.15.5, 9789.15.6, 9789.16.1, 9789.16.2, 9789.16.3, 9789.16.4,
05/16/13	AMEND: 10192, 10193, 10194, 10195, 10196, 10197, 10198		
05/16/13	ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580		
Title 5			
09/25/13	AMEND: 11530, 11531, 11532		

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 42-Z

	9789.16.5, 9789.16.6, 9789.16.7, 9789.16.8, 9789.17.1, 9789.17.2, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.4, 9789.18.5, 9789.18.6, 9789.18.7, 9789.18.8, 9789.18.9, 9789.18.10, 9789.18.11, 9789.18.12, 9789.18.19	06/26/13	ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52
09/23/13	ADOPT: 10451.1, 10451.2, 10451.3, 10451.4, 10498, 10538, 10606.5, 10608.5, 10774.5, 10957, 10957.1, 10959 AMEND: 10250, 10260, 10300, 10301, 10408, 10450, 10582.5, 10606, 10608, 10622, 10770, 10770.1, 10770.5, 10770.6, 10845, 10886	06/26/13	ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12
		06/24/13	AMEND: 8352
		05/30/13	AMEND: 4994
		05/08/13	AMEND: 5004(d)(2)
		Title 9	
09/17/13	AMEND: 3650(b)(3)	06/06/13	ADOPT: 14200, 14210, 14220, 14230, 14240
09/17/13	AMEND: 5194(g)(2)(Q)	05/09/13	AMEND: 7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263, 7302, 7310, 7312, 7320, 7321, 7322, 7330, 7332
09/16/13	ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 13, 14, 17, 26, 30, 31.3, 31.5, 31.7, 32, 33, 34, 35, 35.5, 36, 38, 100, 104, 105, 106, 109, 110, 112, 117, 10160 REPEAL: 31.2		
09/16/13	AMEND: 344, 344.1		
08/29/13	AMEND: 1533		
08/27/13	AMEND: 5155		
08/22/13	AMEND: 32147, 32380, 32802		
08/19/13	ADOPT: 32999, 33000, 33001, 33002, 33003, 33004, 33005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013		
08/13/13	ADOPT: 9795.1.5, 9795.1.6, 9795.5 AMEND: 9795.1, 9795.3		
08/13/13	ADOPT: 15209 AMEND: 15201, 15210, 15210.1, 15475, 15477, 15481, 15484, 15496, 15497		
08/01/13	AMEND: 5199(g)(3)(B)		
07/23/13	AMEND: 1933, 5541, 5543, 5559, 5600, 6170		
07/02/13	AMEND: 3329		
07/01/13	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15. AMEND: 9792.5.1., 9792.5.3, 9793, 9794, 9795	09/30/13	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718
07/01/13	AMEND: 5197	09/30/13	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620 REPEAL: 6410
07/01/13	AMEND: 9795.1, 9795.3	09/30/13	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
07/01/13	ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12	09/30/13	ADOPT: 6800, 6802, 6804, 6806
07/01/13	ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160	09/19/13	ADOPT: 6458
		09/09/13	ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
		08/27/13	AMEND: 2690, 2690.1, 2690.2
		08/05/13	AMEND: 2498.5
		07/31/13	AMEND: 2498.6
		07/17/13	AMEND: 2498.5
		07/16/13	AMEND: 2498.6
		07/15/13	ADOPT: 6650, 6652, 6654, 6658, 6660, 6662, 6664, 6666, 6668, 6670
		07/10/13	ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444
		07/03/13	AMEND: 2548.3, 2548.19, 2548.21, 2548.24, 2548.25
		06/27/13	ADOPT: 6456
		06/25/13	AMEND: 2698.401
		06/13/13	ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7
		05/20/13	AMEND: 2698.95(a)
		05/13/13	AMEND: 2632.19

Title 11		09/10/13	ADOPT: 80.1, 80.2, 87.1 AMEND: 12, 12.5, 37, 80, 81, 87, 87.8, 87.9, 88, 88.1, 88.2, 89 REPEAL: 87.1, 87.7
08/21/13	ADOPT: 31.25 REPEAL: 101.1		
08/21/13	ADOPT: 31.26 REPEAL: 101.2		
08/21/13	AMEND: 31.7	09/09/13	AMEND: 103
08/06/13	AMEND: 1955	08/08/13	AMEND: 1920, 1937.11
07/08/13	AMEND: 1005, 1007, 1008	08/07/13	AMEND: 811, 832.05, 832.06, 832.35 REPEAL: 832.14, 854
Title 12		08/07/13	ADOPT: 1399.620, 1399.621, 1399.622, 1399.623
09/23/13	REPEAL: 3000		
Title 13		08/07/13	AMEND: 1399.501, 1399.502, 1399.503, 1399.506, 1399.507, 1399.507.5, 1399.511, 1399.512, 1399.520, 1399.521, 1399.521.5, 1399.523, 1399.523.5, 1399.526, 1399.527, 1399.530, 1399.540, 1399.543, 1399.545, 1399.547, 1399.557, 1399.570, 1399.571, 1399.572, 1399.610, 1399.612, 1399.616, 1399.617, 1399.618, 1399.619 REPEAL: 1399.512
08/15/13	AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711		
07/31/13	AMEND: 1968.2, 1968.5, 1971.1, 1971.5	08/07/13	AMEND: 811, 832.05, 832.06, 832.35 REPEAL: 832.14, 854
07/24/13	AMEND: 599	08/07/13	ADOPT: 1399.620, 1399.621, 1399.622, 1399.623
Title 14		08/07/13	AMEND: 1399.501, 1399.502, 1399.503, 1399.506, 1399.507, 1399.507.5, 1399.511, 1399.512, 1399.520, 1399.521, 1399.521.5, 1399.523, 1399.523.5, 1399.526, 1399.527, 1399.530, 1399.540, 1399.543, 1399.545, 1399.547, 1399.557, 1399.570, 1399.571, 1399.572, 1399.610, 1399.612, 1399.616, 1399.617, 1399.618, 1399.619 REPEAL: 1399.512
10/02/13	AMEND: 401 REPEAL: 480		
10/02/13	AMEND: 3550.5	08/07/13	AMEND: 811, 832.05, 832.06, 832.35 REPEAL: 832.14, 854
09/19/13	AMEND: 502	08/07/13	ADOPT: 1399.620, 1399.621, 1399.622, 1399.623
09/16/13	AMEND: 510		
09/10/13	AMEND: 313	08/07/13	AMEND: 1399.501, 1399.502, 1399.503, 1399.506, 1399.507, 1399.507.5, 1399.511, 1399.512, 1399.520, 1399.521, 1399.521.5, 1399.523, 1399.523.5, 1399.526, 1399.527, 1399.530, 1399.540, 1399.543, 1399.545, 1399.547, 1399.557, 1399.570, 1399.571, 1399.572, 1399.610, 1399.612, 1399.616, 1399.617, 1399.618, 1399.619 REPEAL: 1399.512
09/10/13	AMEND: 300		
09/10/13	AMEND: 1670	07/30/13	REPEAL: 367.7
08/27/13	AMEND: 703	07/24/13	ADOPT: 1398.15
08/27/13	AMEND: 670 REPEAL: 678	07/23/13	AMEND: 2502, 2516, 2525, 2526, 2526.1, 2527, 2529, 2530, 2535, 2562, 2575, 2580, 2581, 2581.1, 2582, 2584, 2585, 2885.1
08/19/13	AMEND: 1299.03(b)(2)(A)	07/16/13	AMEND: 4154
08/06/13	AMEND: 13055	07/15/13	ADOPT: 1355.45
07/22/13	ADOPT: 18751.2.2, 18751.2.3 AMEND: 18751.2, 18751.2.1	07/15/13	AMEND: 1833
06/28/13	AMEND: 228	06/26/13	AMEND: 1600
06/26/13	AMEND: 1059(a)	06/25/13	AMEND: 4102, 4114, 4122, 4141, 4163, 4181
06/25/13	AMEND: 354, 360, 361, 362, 363, 364, 708.9	06/20/13	AMEND: 1379.50
06/19/13	AMEND: 816.01(c)(3), 826.01(c)(2), 870.21(d)	06/10/13	ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (renumbered to 36.1), 26, 98
06/17/13	AMEND: 7.50	06/06/13	AMEND: 2006
Title 15		05/20/13	AMEND: 4402
09/25/13	REPEAL: 7001	05/17/13	ADOPT: 3340.4 AMEND: 3340.1, 3340.43
09/24/13	AMEND: 3044, 3190, 3282, 3335	05/08/13	AMEND: 1380.1
08/27/13	ADOPT: 8125		
08/06/13	AMEND: 2000		
07/30/13	AMEND: 3075		
07/29/13	AMEND: 3000, 3190, 3213, 3334		
05/16/13	AMEND: 3173.2, 3174		
Title 16			
10/09/13	AMEND: 109, 117		
09/30/13	AMEND: 2475		
09/27/13	ADOPT: 2030.05, 2030.3, 2032.05, 2032.15, 2032.25, 2032.35 AMEND: 2030, 2030.1, 2030.2, 2032.1, 2032.2, 2032.3, 2032.4, 2037		
09/23/13	REPEAL: 3526		
09/17/13	AMEND: 2520.5, 2523.2, 2577.6, 2579.4		

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 42-Z

Title 17

10/02/13 AMEND: 54342(a)(29)
 09/18/13 ADOPT: 100900, 100901, 100902, 100903, 100904
 09/10/13 AMEND: 52086
 08/12/13 AMEND: 2641.55
 08/12/13 ADOPT: 30456, 30456.1, 30456.2, 30456.4, 30456.6, 30456.8, 30456.10, 30456.12
 07/16/13 ADOPT: 7000, 7002, 7004, 7006, 7008, 7010, 7012, 7014, 7016
 07/01/13 AMEND: 100000
 06/26/13 AMEND: 91022
 06/26/13 AMEND: 1230, 2641.57
 06/24/13 ADOPT: 95943 AMEND: 95802, 95830, 95833, 95910, 95911, 95912, 95913, 95920, 95921, 95942, 96010, 96022
 06/13/13 ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101

Title 18

09/23/13 ADOPT: 2000
 08/28/13 AMEND: 1703
 08/28/13 AMEND: 1703
 07/24/13 AMEND: 462.040
 07/16/13 AMEND: 4601, 4603, 4604, 4605
 07/11/13 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598
 06/25/13 ADOPT: 2000
 05/31/13 ADOPT: 17052.6
 05/28/13 AMEND: 1685.5

Title 19

07/17/13 AMEND: 557.4, 557.5, 557.8, 557.13, 557.23, 561.2, 567, 567.8, 573, 574.4, 575.1, 575.3, 575.6, 575.8, 575.13, 575.16, 577.2, 578.6, 591.6, 592.1, 592.2, 593.1, 594.3, 594.4, 594.5, 595.5 and 596

Title 20

08/28/13 ADOPT: 1240, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208

Title 21

09/23/13 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658
 06/24/13 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658

Title 22

10/02/13 AMEND: 97212
 10/01/13 AMEND: 69501.3(b), 69509.1(a), 69509.1(c)
 09/23/13 AMEND: 97232
 09/18/13 AMEND: 51516.1
 09/05/13 AMEND: 66261.33

08/28/13 ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510

08/28/13 ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510

08/19/13 ADOPT: 70438.2

05/30/13 AMEND: 70723, 71523, 71835, 72535, 73525, 74723, 75051, 75335, 76539, 76874, 76919, 78429, 79331, 79781, 79795, 79805

05/22/13 ADOPT: 64651.12, 64651.13, 64651.15, 64651.48, 64651.52, 64651.54, 64651.61, 64651.62, 64654.8, 64656.5, 64664.2, 64665.5 AMEND: 63011, 63012, 63020, 63021, 63052, 64650, 64651.88, 64652, 64652.5, 64653, 64655, 64656, 64660, 64662, 64663, 64664, 64666 REPEAL: 64657, 64657.10, 64657.20, 64657.30, 64657.40, 64657.50

05/15/13 ADOPT: 66274.1, 66274.2, 66274.3, 66274.4, 66274.5, 66274.7, 66274.8

Title 23

08/07/13 ADOPT: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016

08/07/13 ADOPT: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016

07/26/13 ADOPT: 3979.6

07/03/13 AMEND: 595

07/01/13 ADOPT: 3007

06/24/13 ADOPT: 3919.13

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 42-Z

06/04/13	ADOPT: 3939.45	40-128,	40-131,	40-173,	40-181,
06/03/13	AMEND: 5000	40-188,	40-190,	41-405,	42-209,
Title 27		42-213,	42-221,	42-302,	42-406,
08/08/13	AMEND: 25805	42-407,	42-716,	42-721,	42-751,
07/11/13	AMEND: 25805	42-769,	44-101,	44-102,	44-111,
06/25/13	AMEND: 25805	44-113,	44-115,	44-133,	44-205,
Title 28		44-207,	44-211,	44-304,	44-305,
10/07/13	ADOPT: 1300.67.003	44-313,	44-314,	44-315,	44-316,
07/05/13	ADOPT: 1300.67.005	44-317,	44-318,	44-325,	44-327,
Title MPP		44-340,	44-350,	44-352,	47-220,
09/30/13	AMEND: 40-105, 42-422, 82-504	47-320,	48-001,	80-301,	80-310,
07/01/13	ADOPT: 40-038 AMEND: 22-071,	82-612,	82-812,	82-820,	82-824,
	22-072, 22-305, 40-036, 40-103,	82-832,	89-110,	89-201	REPEAL:
	40-105, 40-107, 40-119, 40-125,	44-400,	44-401,	44-402,	44-403