



California Regulatory Notice Register

REGISTER 2014, NO. 44-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 31, 2014

PROPOSED ACTION ON REGULATIONS

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Internal Revenue Service Rules — Notice File No. Z2014-1021-01 1817

TITLE 2. STATE PERSONNEL BOARD

Conflict-of-Interest Code — Notice File No. Z2014-1017-02 1821

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Bakersfield Area of Kern County —
Notice File No. Z2014-1017-03* 1821

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Cayucos and San Luis Obispo areas of San Luis Obispo County
— Notice File No. Z2014-1017-04* 1824

TITLE 4. STATE ATHLETIC COMMISSION

Therapeutic Use Exemption — Notice File No. Z2014-1016-07 1827

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*General Industry Safety Orders and Electric Safety Orders: Electrical Equipment in Hazardous
(Classified) Locations — Notice File No. Z2014-1021-04* 1829

TITLE 15. BOARD OF STATE AND COMMUNITY CORRECTIONS

Local Youthful Offender Rehabilitative Facilities — Notice File No. Z2014-1016-02 1834

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Canine Searches of All Individuals — Notice File No. Z2014-1014-09 1837

TITLE 17. AIR RESOURCES BOARD

Cap and Trade 2014 Rice and Forestry Protocols — Notice File No. Z2014-1014-11 1839

TITLE 18. BOARD OF EQUALIZATION

Seeds, Plants and Fertilizer — Notice File No. Z2014-1020-01 1844

(Continued on next page)

***Time-
Dated
Material***

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES	
<i>Portable Imaging Services — Notice File No. Z2014–1017–01</i>	1848
TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES	1848
<i>Adam Walsh Regulations for California Department of Social Services (CDSS) — Notice File No. Z2014–1010–01</i>	1852

GENERAL PUBLIC INTEREST

BUREAU OF REAL ESTATE	
<i>2014 Annual Fee Hearing</i>	1854
FISH AND GAME COMMISSION	
<i>Gray Wolf Findings</i>	1855
FISH AND GAME COMMISSION	
<i>Notice of Receipt of Petition for Tricolored Blackbird as Endangered under the California Endangered Species Act</i>	1861

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION	
<i>Notice of Decision on Petition from Bradley S. Winchell Pertaining to Execution of Capital Punishment by Lethal Injection</i>	1861
DEPARTMENT OF CORRECTIONS AND REHABILITATION	
<i>Notice of Decision on Petition from Kermit Alexander Pertaining to Execution of Capital Punishment by Lethal Injection</i>	1862

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	1863
Sections Filed, May 21, 2014 to October 22, 2014	1865

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. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

**California Code of Regulations
Title 2. Administration
Division 1. Administrative Personnel
Chapter 2. Board of Administration of Public Employees' Retirement System**

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

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add the following Articles, Subchapters and Sections to Chapter 2 of Division 1 of Title 2 of the California Code of Regulations (CCR)

- Adoption of Article 1.5, "Plan Qualification Requirements for the Public Employees' Retirement Fund", and proposes the addition of Sections 553, 553.1, 553.2, 553.3, 553.4, and 553.6 under Subchapter 1;
- Adoption of Subchapter 2.1 "Supplemental Contributions Program", Article 1, "Plan Qualification Requirements for the Supplemental Contributions Program", and proposes the addition of Sections 599.100, 599.101 and 599.102;
- Adoption of Subchapter 2.2, "Judges' Retirement Fund Regulations", Article 1, "Plan Qualification Requirements for the Judges' Retirement Fund", and proposes the additions of Sections 599.120, 599.121, 599.122, 599.123 and 599.124;

- Adoption of Subchapter 2.3, "Judges' Retirement System II Fund", Article 1, "Plan Qualification Requirements for Judges' Retirement System II Fund", and proposes the additions of Sections 599.140, 599.141, 599.142, 599.143, 599.144, 599.145 and 599.146;
- Adoption of Subchapter 2.4, "Legislators' Retirement Fund Regulations", Article 1, "Plan Qualification Requirements for the Legislators' Retirement Fund", and proposes the additions of Sections 599.160, 599.161, 599.162, 599.163 and 599.164.

By proposing these regulations, CalPERS seeks to clarify and make explicit certain technical amendments to the plan provisions for the Public Employees' Retirement Fund (PERF), the Legislators' Retirement Fund (LRF), the Judges' Retirement Fund (JRF), the Judges' Retirement System II Fund (JRF II), and the Supplemental Contributions Program (SCP) (individually the "Plan", and collectively the "Plans") in accordance with the Internal Revenue Service (IRS) rules. As tax-qualified plans, the CalPERS Plans are already subject to the technical IRS rules and comply with them in operation; the proposed regulations merely document these requirements by clarifying certain provisions to the Public Employees' Retirement Law (PERL), the Judges' Retirement Law (JRL), the Judges' Retirement System II Law (JRL II), and the Legislators' Retirement Law (LRL) to explicitly conform with federal law. The proposed regulations are consistent with existing law and are reasonably necessary to document these requirements.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on **October 31, 2014** and closing on **December 15, 2014** at 5:00 p.m. The Regulation Coordinator must **receive** all written comments by the close of the comment period. Comments may be submitted via fax at (916) 795-4607; E-mail at Regulation_coordinator@calpers.ca.gov or mailed to the following address:

Anthony Martin, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

III. PUBLIC HEARING

Pursuant to Government Code Section 11346.8, the Board has not scheduled a public hearing on this matter.

However, if any interested person, or his or her duly authorized representative, submits in writing to the CalPERS Regulation Coordinator, a request for a public hearing at least 15 days prior to the close of the written comment period, December 1, 2014, a public hearing shall be scheduled before the CalPERS Pension & Health Benefits Committee. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

To the extent a public hearing is timely requested, the hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

V. AUTHORITY AND REFERENCE

The Board's authority to add the proposed regulations to the CCR derives from the Board's plenary authority and fiduciary responsibility over the assets of the public retirement system and exclusive responsibility to administer the Plans in a manner that will assure prompt delivery of benefits and related services to the members and their beneficiaries, pursuant to the California Constitution (Section 17 of Article XVI) and in accordance with the PERL (California Government Code Title 2, Division 5, Part 3, Sections 20120–20122). In addition, other Sections of California Government Code that provide authority include Sections 9353, 9354.1, 22970.30, 22970.31, 75002, 75005, 75502 and 75505.

Reference citations: California Government Code Sections 7513, 9350.2, 9353, 9354.1, 20001, 20002, 20021, 20058, 20132, 20151, 20170, 20171, 20176, 21350, 20731, 22970, 22970.2, 22970.21, 22970.61, 75000, 75502, 75005, 75085, 75085.1, 75088.3 and 75521.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

By proposing these regulations, CalPERS seeks to clarify and make explicit certain technical provisions required of tax-qualified plans in accordance with the IRS rules. As tax-qualified plans, the CalPERS Plans are already subject to the technical IRS rules and comply with them in operation; the proposed regulations merely document these requirements by clarifying certain provisions to the PERL, the JRL, the JRL II, and the LRL to explicitly conform with federal law. Accord-

ly, the proposed regulations will not have a practical effect on how CalPERS administers the Plans.

The proposed adoption of Article 1.5, "Plan Qualification Requirements for the Public Employees' Retirement Fund", enables CalPERS to promulgate a set of regulations that is specific to the "Plan Qualification" status of the PERF so the technical IRS language is explicitly incorporated into this individual Plan.

The proposed adoption of Subchapter 2.1, "Supplemental Contributions Program", Article 1, "Plan Qualification Requirements for the Supplemental Contributions Program", enables CalPERS to promulgate a set of regulations that is specific to the "Plan Qualification" status of the SCP so the technical IRS language is explicitly incorporated into this individual Plan.

The proposed adoption of Subchapter 2.2, "Judges' Retirement Fund Regulations", Article 1, "Plan Qualification Requirements for the Judges' Retirement Fund", enables CalPERS to promulgate a set of regulations that is specific to the "Plan Qualification" status of the JRF so the technical IRS language is explicitly incorporated into this individual Plan.

The proposed adoption of Subchapter 2.3, "Judges' Retirement System II Fund", Article 1, "Plan Qualification Requirements for Judges' Retirement System II Fund", enables CalPERS to promulgate a set of regulations that is specific to the "Plan Qualification" status of the JRF II so the technical IRS language is explicitly incorporated into this individual Plan.

The proposed adoption of Subchapter 2.4, "Legislators' Retirement Fund Regulations", Article 1, "Plan Qualification Requirements for the Legislators' Retirement Fund", enables CalPERS to promulgate a set of regulations that is specific to the "Plan Qualification" status of the LRF so the technical IRS language is explicitly incorporated into this individual Plan.

The proposed addition of Sections 553, 599.100, 599.120, 599.140 and 599.160 to the CCR provide definitions for the terms "board," "the plan" and "system," as applicable.

The proposed addition of Sections 553.1, 599.101, 599.121, 599.141 and 599.161 to the CCR make explicit that each Plan is intended to satisfy the requirements of a tax-qualified plan in accordance with IRC Section 401(a) by meeting the requirements of a "governmental plan" within the meaning of IRC Section 414(d). As a governmental plan, the CalPERS Plans are exempt from certain IRC provisions otherwise applicable to tax-qualified plans.

The proposed addition of Sections 553.2, 599.102, 599.122, 599.142 and 599.162 to the CCR make explicit that the reversion of the each Plan's trust fund assets is prohibited except as permitted in very narrow circumstances by Revenue Ruling 91-4.

The proposed addition of Sections 553.3, 599.123, 599.143 and 599.163 to the CCR make explicit that a member's right to his or her accrued benefits is non-forfeitable upon attainment of normal retirement age to the extent funded and subject to certain forfeiture exceptions currently provided for by statute.

The proposed addition of Sections 553.4, 599.124, 599.144 and 599.164 to the CCR make explicit that distributions from the Plans will be made in accordance with a reasonable and good faith interpretation of the minimum distribution requirements under IRC Section 401(a)(9).

The proposed addition of Section 553.5 to the CCR makes explicit that member contributions to the PERF will be made in accordance with the Internal Revenue Code (IRC) Section 415(c) limits to the extent applicable. While we do not necessarily anticipate a situation where this limit will apply to member contributions in the current environment, this language is consistent with the IRS rules and required nevertheless.

The proposed addition of Section 553.6 to the CCR makes explicit that the actuarial assumptions used to pay definitely determinable benefits from the PERF in accordance with IRC Section 401(a)(25) are not subject to employer discretion, but are instead set by the Board in accordance with Section 20132 of the California Government Code and Article 16, Section 17(e) of the California Constitution.

The proposed addition of Section 599.145 incorporates IRC Section 401(a)(17) compensation limits into JRF II so it is explicit that the amount of compensation used in a member's benefit calculation will be limited accordingly.

The proposed addition of Section 599.146 to the CCR makes explicit that in instances where a member does not make an election to take a mandatory distribution from JRF II directly or elect to roll it over to another eligible retirement plan, the distribution will be paid directly to an individual retirement plan designated by the Board if the amount exceeds \$1,000.

Consistency Evaluation

The proposed regulations are not inconsistent or incompatible with existing law or existing state regulations. There are no other comparable existing State regulations that address the topics at issue here and therefore pursuant to Government Code section 11346.5, subdivision (a), paragraph (3)(D) there are no other comparable existing regulations.

Anticipated Benefit

The primary benefit of approving the proposed regulatory action is that CalPERS will be making technical amendments to the Plans in accordance with the IRS

rules. Federal tax law regulates pension plans generally and regulates public pension plans specifically based on their status as a governmental plan. The proposed regulations clarify certain provisions to the PERL, the JRL, the JRL II, and the LRL to explicitly conform with federal law and provide further assurances as to the tax-qualified nature of the Plans.

PRENOTICE CONSULTATION WITH THE PUBLIC

As tax-qualified plans, the CalPERS Plans are already subject to these technical IRS rules and comply with them in operation; the amendments merely document these requirements. Accordingly, the proposed regulations contain technical changes to clarify the Plan terms so they are explicit with federal law. Therefore, the proposed regulations will not have a practical effect on how CalPERS administers the Plans, and no pre-notice consultation was done with the public.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to CalPERS-covered employers and CalPERS members.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose any mandates on local agencies and school districts.
- B. **COSTS OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action will not result in any additional costs or savings to any State agency.
- C. **COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action will not result in any costs to any local agency or school district.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose any nondiscretionary costs or savings to local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action will not result in additional costs or savings in federal funding to the State.

- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory 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.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.
- H. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** The proposed regulatory action: (1) will not create or eliminate jobs within California; (2) will not create new businesses or eliminate existing businesses within California; (3) will not affect the expansion of businesses currently doing business within California; and (4) will benefit the health and welfare of California residents by ensuring that the Plans' provisions are consistent with IRS rules and thus provide further assurance concerning the integrity and tax-qualified status of the Plans.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect on housing costs.
- J. **COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 17500 THROUGH 17630:** There are no costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630.

IX. CONSIDERATION OF ALTERNATIVES

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

As tax-qualified plans, the CalPERS Plans are already subject to these technical IRS rules and comply with them in operation; the amendments merely document these requirements and are in accordance with the IRS rules. Accordingly, the proposed regulations will not have a practical effect on how CalPERS administers

the Plans. Nevertheless, the Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

X. CONTACT PERSON

Please direct inquiries concerning the proposed regulatory action to:

Anthony Martin, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

The backup contact for these inquiries is:

Christina Nutley, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

Please direct requests concerning the copies of the proposed text (the "express terms") of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information about processing of this regulatory action to Anthony Martin, Regulation Coordinator, at Regulation_coordinator@calpers.ca.gov.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The entire rulemaking file is available for public inspection through the Regulation Coordinator at the address shown in section II. To date, the file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, the Economic Impact Assessment, and the Economic and Fiscal Impact Statement. A copy of the proposed text, the Initial Statement of Reasons, the Economic Impact Assessment, and the Economic and Fiscal Impact Statement is available at no charge upon telephone or written request to the Regulation Coordinator.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations after the public comment period closes.

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

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Anthony Martin, Regulation Coordinator, at the address shown above in Section II.

TITLE 2. STATE PERSONNEL BOARD

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE STATE PERSONNEL BOARD

NOTICE IS HEREBY GIVEN that the State Personnel Board, pursuant to the authority vested in it by Section 87306 of the Government Code proposes amendment 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 State Personnel Board 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.

This amendment designates additional employees that must file a Form 700 Statement of Economic Interests and makes other technical changes to reflect the current organizational structure of the Department. 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 16, 2014, 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 no later than December 1, 2014, by contacting the Contact Person set forth below.

The State Personnel Board 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 State Personnel Board 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 State Personnel Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

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

Dorothy Bacskai Egel
 Senior Attorney
 State Personnel Board
 801 Capitol Mall
 Sacramento, California 95814
 (916) 653-1403

Dorothy.egel@spb.ca.gov

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action which was effective on September 17, 2014. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than March 16, 2015.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

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

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

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

Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Most all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The national and international consumers of California citrus benefit by having high quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, "the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state." The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida

and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

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

AMENDED TEXT

This proposed emergency action expanded the quarantine area for ACP in the Bakersfield area of Kern County by approximately 113 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 46,815 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There is one citrus production nursery in the affected area that will be impacted. There are nine retail nurseries in the affected area. They will need to apply approved treat-

ments every ninety days to ship within the quarantine area or to ship to a non-citrus producing state. Treatment costs will range from \$2.24 per plant to \$9.46 per plant depending on whether the nursery conducts the treatments or hires an outside applicator. In order to ship outside of the quarantine area, the nurseries will need to grow the nursery stock within a USDA-approved ACP exclusionary facility and apply approved treatments directly prior to shipment. The approximate cost of an exclusionary facility is \$148,754–\$180,000 per individual structure which covers one half to one acre. They will need to purchase pre-treated trees or apply the approved treatments. There are six citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and are required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit do not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packing houses located within this additional quarantine area.

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the up-

stream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Stephen Brown at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action which was effective on August 25, 2014. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 23, 2015.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

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

comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC 5321).

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

Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes

discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Most all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The national and international consumers of California citrus benefit by having high quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

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

AMENDED TEXT

This proposed emergency action expanded the quarantine area for ACP in the Cayucos and San Luis Obis-

po areas of San Luis Obispo County by approximately 158 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 46,702 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.
 Cost or savings to any state agency: None.

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

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

The Department has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on a representative private person or business: Most businesses will not be affected. There is one citrus production nursery in the affected area that will be impacted. There are no retail nurseries in the affected area. They will need to apply approved treatments every ninety days to ship within the quarantine area or to ship to a non-citrus producing state. Treatment costs will range from \$2.24 per plant to \$9.46 per plant depending on whether the nursery conducts the treatments or hires an outside applicator. In order to ship outside of the quarantine area, the nurseries will need to grow the nursery stock within a USDA-approved ACP exclusionary facility and apply approved treatments directly prior to shipment. The approximate cost of an exclusionary facility is \$148,754–\$180,000 per individual structure which covers one half to one acre. They will need to purchase pre-treated trees or apply the approved treatments. There are six citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approxi-

mately \$60 per acre and are required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit do not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There is one citrus packing house located within this additional quarantine area.

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Stephen Brown at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

adoption by contacting the agency officer (contact) named herein.

TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") 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:

December 15, 2014 — 10:00 a.m.
 Department of Consumer Affairs
 Hearing Room
 2005 Evergreen Street
 Sacramento, CA 95815

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 commission at its office not later than 5:00 p.m. **December 15, 2014** or must be received by the commission at the hearing. The commission, 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 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18645 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Adopt section 424. Currently, there is no exemption to allow an athlete to use a medically prescribed drug that may be necessary to maintain the athlete's health. This proposal would establish an exemption process and provide the necessary authority to the commission to allow an athlete to use a medically prescribed drug that is necessary to maintain his or her health, before or during a match, provided said usage does not provide an advantage to the athlete during competition.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. By adopting section 424, the commission will honor its commitment to the health and safety of athletes, allowing them to use the medication necessary to maintain their health, as diagnosed and prescribed by a licensed physician.

It is anticipated that the adoption of regulations such as these will protect the health and safety of athletes, prevent discrimination against those athletes with legitimate medical conditions and promote fairness and social equity by allowing eligible legitimate contenders an equal opportunity to enter the ring. The adoption of Rule 424 will allow athletes an avenue, not otherwise afforded, to request permission from the Commission to use a prohibited substance, when proven necessary and that does not provide an unfair advantage during competition, before and during competition. The athlete upon asking permission from the Commission is required to complete a form, named “Therapeutic Use Exemption Application” (Rev. 1/2014, this form is incorporated by reference).

Without this avenue, fighters may choose to fight in other states where exemptions exist, or discontinue taking medications that are necessary thereby risking their health in order to fight in California, or quit fighting altogether.

C. Consistency and Compatibility with Existing State Regulations

The commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning Therapeutic Use Exemption. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

D. Form Incorporated by Reference: “Therapeutic Use Exemption Application” (Revised 1/2014).

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.**

The CSAC has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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 regulations would not affect small businesses. The proposed changes provide a mechanism to allow an athlete an avenue to continue to use specific medications necessary to maintain the athlete’s health.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs, including for health care professionals
- Unlikely to create jobs, including for health care professionals
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: The proposed regulation will benefit California residents by protecting professional athletes by only allowing use of performance-enhancing drugs when medically needed and appropriate. It is even possible that the proposal will make promoters within the combative sports industry more likely to promote events due a consistent therapeutic use exemption policy.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons

than the 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 commission 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, 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 California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Sophia Cornejo
 Address: 2005 Evergreen Street, Suite 2010
 Sacramento, CA 95815
 Telephone No.: (916) 263-2195
 Fax No.: (916) 263-2197
 E-Mail
 Address: Sophia.Cornejo@dca.ca.gov

The backup contact person is:

Name: Heather Jackson
 Address: 2005 Evergreen Street, Suite 2010
 Sacramento, CA 95815
 Telephone No.: (916) 263-2195
 Fax No.: (916) 263-2197
 E-Mail
 Address: heather.jackson@dca.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Orders

Sections 5530, 5568, 5572, 5574, 5575 and 5621

Electrical Safety Orders

Sections 2540.7 and 2540.8

Electrical Equipment in Hazardous (Classified) Locations

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **December 18, 2014**, in the auditorium of the **State Resources Building, 1416 9th Street, Sacramento, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **October 31, 2014**, and closes at 5:00 p.m. on **December 18, 2014**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking was initiated by Board staff to update the provisions contained in the above sections relating to electrical equipment located in hazardous (classified) locations in industrial plants, bulk plants, processing plants, and service stations. These sections apply to industries that store, process, and handle flammable and combustible liquids. Provisions addressed in this proposal are related to fire and explosion prevention.

This proposal is one of the series of proposals to complete the transition to the Globally Harmonized System (GHS). GHS was developed to help standardize the way chemical information is provided in the world. This proposal changes the classification of liquids from Class I, II, III to the corresponding Category 1, 2, 3, 4, in line with the terminology used in GHS. There are changes to Electrical Safety Orders to be consistent with the General Industry Safety Orders.

The proposal also harmonizes Title 8 requirements for electrical installations and the method of delineation of hazardous (classified) locations with building standards in Title 24. The pertinent California Code of Regulations, Title 24, California Electrical Code provisions related to this rulemaking draw largely from the National Fire Protection Association (NFPA) standards 30, 30A and 70. Current provisions in Title 8 were based on previous editions of the California Electrical Code, with many of its provisions dating back in the 1970s.

Anticipated Benefits

This regulatory action pertains to electrical installation issues and hazardous classified locations, and also fire and explosion prevention. This proposal intends to ensure the protection of health and safety of workers, and indirectly protects the environment.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal gov-

ernment and the Labor Code to the effect that the state’s regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

In conformance with Government Code Section 11346.9(c), the Board provides the following information. The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations on March 26, 2012, addressing Globally Harmonized System (GHS) updates of the Hazard Communication Standard (HCS) and related sections. The changes affect 29 CFR, Parts 1910 (general industry). The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 77, No. 58, pages 17574–17896, March 26, 2012, as the justification for the Board’s proposed rulemaking action.

Section 5530. Scope.

Section 5530 contains the scope and general requirements for electrical installations in hazardous (classified) locations.

Amendments are proposed to:

- Change the title of Section 5530 to include the words General Requirements in order to reflect the contents of the Section.
- Change to the GHS method of classification of liquids (Category 1, 2, 3, 4) to reflect the federal standard 29 CFR 1910.106, Flammable Liquids.
- Change the scope to include areas where Category 1, 2, or 3 liquids with flashpoints below 100 °F are stored and handled without regard to whether they are store or handled above their flashpoints. This is in accordance with NFPA 30–2012, Section 7.1 Scope.
- Update Section 5530 to be the horizontal standard for electrical equipment in Industrial Plants, Processing Plants and Bulk Plants.
- Delete Table FL–1 and direct the reader to building standard requirements found in Title 24, Part 3, Article 515, Bulk Storage Plants, for the delineation of hazardous (classified) locations. Title 24 prescribes building standards for electrical installations in hazardous classified locations necessary to prevent fires and explosions. Table FL–1 and Table FL–19 were re-listings of provisions from previous editions of the building standards. This proposal is essentially an update to the standard without re-listing the buildings standards in Title 8. New provisions in Title 24 include zone classification systems not found in existing tables, but described in Section 2540.11 of the Electrical Safety Orders.

- Update the date of the referenced NFPA 496 standard for Purged and Pressurized Enclosures for Electrical Equipment, (this manual is incorporated by reference) in subsection (c)(1) from 1974 to 2008, which is consistent with the building standards.

Section 5568. Inside Buildings.

Section 5568 applies to the operation of transferring flammable liquids from one container to another container inside buildings that are part of a service station. The proposal adds references to Sections 5530(d) and 5574(c). Transferring flammable liquids may create a flammable atmosphere and ordinary electrical installation can be a source of ignition that could cause a fire. Section 5568 allows transferring of flammable liquids with a flashpoint of less than 100°F only in areas where the building’s electrical installations are appropriate for the classified location. Provisions for electrical area classification are found in Sections 5530(d) and 5574(c).

Section 5572. Emergency Power Cutoff.

Section 5572 contains provisions for emergency disconnect switches for service stations. Proposed amendments clarify the design and installation requirements for an emergency disconnect. The effect of this section is to cut off the fuel source in an event of an emergency.

Amendments are proposed to:

- Change the title to Emergency Disconnect Switches to reflect the content of the section.
- Update subsection (a) to specify that electrical disconnects have to be installed in approved locations.
- Update subsections (b), (c), and (d) to specify a distance criteria where the electrical disconnects shall be installed. This will instruct the reader to locate the emergency disconnect a certain distance from the fuel source for a timely disconnect but not too far that the users cannot discern what they are disconnecting.
- Update subsection (e) to require a sign for emergency disconnects to help the user locate the emergency disconnect switch in an emergency.
- Update subsections (f) and (g) to specify how the electrical disconnect should function to ensure that the supply of fuel is stopped.
- Update subsection (h) to require the controls to be manually resettable to prevent inadvertent resetting of the controls.

Section 5574. Electrical Equipment.

Section 5574 applies to electrical equipment in motor, marine service stations, and repair garages that store, handle and dispense flammable liquids. It prescribes a method for delineating and classifying areas

for the installation of electrical wiring and utilization equipment.

Amendments are proposed to:

- Delete Table FL–9 in subsection (c) and direct the reader to provisions in Title 24, Part 3, Article 514, Motor Fuel Dispensing Facilities, for the delineation of Class I locations. This would add locations such as vapor processing systems, aboveground tanks, and other dispensing devices such as compressed natural gas, liquefied natural gas, liquefied petroleum gas.
- Add cross–reference to emergency electrical disconnect described in Sections 5572 and 2540.7 for clarity.

Section 5575. Heating Equipment.

Section 5575 pertains to heating and ventilating equipment in a service station. It requires that the heating appliance be separated from a classified location. The provisions regarding the extent of the classified location are to be found in Sections 5530(d) and Section 5574(c). Table FL–9 is proposed to be deleted.

The separation of a heating appliance from a Class I location would prevent the appliance from being a source of ignition that could start a fire or explosion. Class I locations are locations where flammable gases or vapors are or may be present in the air in quantities sufficient to produce an explosive or ignitable mixture.

Section 5621. Electrical Equipment.

Section 5621 applies to bulk plants. The proposal is to delete the requirements of this section and cross–reference it to Section 5530 to eliminate redundancy. This change is intended to consolidate provisions for bulk plants, industrial plants, and processing plants into one section for user readability.

Section 2540.7. Gasoline Dispensing and Service Station.

Section 2540.7 applies to motor fuel dispensing facilities. Proposal would harmonize the General Industry Safety Orders with the Electrical Safety Orders.

Amendments are proposed to:

- Change the title of the Section to be consistent with Title 24, Part 3, Article 514, Motor Fuel Dispensing Facilities and NFPA 30A–2012.
- Update subsection (a), to change the definition of motor–fuel dispensing facility to be consistent with definition in NFPA 70–2011 and Title 24, Part 3, Section 514.2. It is a more accurate definition because motor–fuel dispensing facilities are involved in the storage and transfer of motor fuel, not simply the transferring of motor fuel. Additionally, subsection (a) will correct the cross–referenced Sections to 2540.2 and 2540.5. The referenced section 2540.6 refers to aircraft hangars and is not the subject matter for this

subsection. Section 2540.2 refers to general requirements and Section 2540.5 refers to commercial garages, repair, and storage.

- Remove provisions in subsection (b) and refer the reader to Title 24, Part 3, Article 514. Motor Fuel Dispensing Facilities, in order to be consistent with the building standards and Section 5574.
- Clarify the specifications of circuit disconnect in Subsection (c). These requirements are in harmony with Title 24.

Section 2540.8. Bulk Storage Plants.

Section 2540.8 applies to locations where gasoline or other volatile flammable liquids are stored in tanks having an aggregate capacity of one carload or more, and from which such products are distributed (usually by tank truck). This shall also include locations where volatile flammable liquids are loaded or unloaded from tanker ships.

Amendments are proposed to:

- Change the definition in Subsection (a) to be consistent with 29 CFR 1910.106(a)(7), Title 24, Part 3, Article 515, Bulk Storage Plants, Section 515.2, and NFPA 30–2012.
- Update Subsection (b) to direct the reader to the provisions of Title 24, Part 3, Article 515, Bulk Storage Plants, for the delineation of classified locations to be consistent with Section 5530.
- Add reference to 2540.7 in Subsection(c), to provide the appropriate section that refers to gasoline–dispensing operations. Subsection (c) addresses operations where both gasoline–dispensing and bulk plant operations occur.

DOCUMENTS INCORPORATED BY REFERENCE

- NFPA 496, Purged and Pressurized Enclosures for Electrical Equipment, 2008 Edition.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the document by reference. A copy of this document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies and School Districts:
None.

Cost or Savings to State Agencies: None.

Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:
None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State:
None.

Cost Impacts on a Representative Private Person Or Business:

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

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals Including the Ability of California Businesses To Compete:

The Board estimates the economic impact to be less than \$10 million. The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Global Harmonized System (GHS) is intended to improve and standardize the way chemical hazards are communicated in a global economy. GHS is a federal requirement that all states must comply with. Federal OSHA estimates the total annualized cost of compliance with the federal final rule (GHS) to be about \$201 million. This cost is for the entire GHS and is for the entire nation. California constitutes approximately 13% of the U.S. GDP, thus California’s share of the total cost to implement the new GHS could be approximately \$26 million. This current rulemaking proposal is only for the flammable and combustible portion of the federal GHS proposal, as it applies to electrical equipment. The provisions that changed the system of classification were adopted on May 5, 2014. This proposal completes the transition to GHS. Existing Title 8 standards will no longer contain the terminology “Class I, II and III”. These words were substituted by the “Category 1, 2, 3”.

The proposal to reference Title 24 standards and remove duplicate Title 8 provisions does not create additional cost, because these standards have already undergone the rulemaking process and were promulgated by the California Building Standards. The proposal references Title 24 as it pertains to electrical installation issues in hazardous classified locations. Since, as stated earlier, Title 24 electrical installation/classification issues have already undergone the rulemaking process and are currently operative in California workplaces, the proposal has no new or added effect upon the regulated public.

Significant Effect on Housing Costs: None.

DETERMINATION OF MANDATE

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

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments will most likely not affect small businesses. The proposed amendments include a change in terminology and a cross-reference to existing regulations promulgated by Title 24.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Fed OSHA estimates that in almost all cases the annualized costs for small and very small firms are below 0.01 percent of revenues and 0.1 percent of profits. Cost estimates by NAICS Code for small and very small businesses are provided in Fed. Reg., Vol. 77, No. 58, dated March 26, 2012, pages 17661–17674. Therefore, this rulemaking action will not impact the following:

- creation or elimination of jobs within the State of California,
- creation of new businesses or the elimination of existing businesses within the State of California,
- expansion of businesses currently doing business within the State of California.

BENEFITS OF THE REGULATION

The amendments to the regulation would provide safety equivalent to that provided by the federal standards. Standards were amended to help prevent fires and explosions from occurring in places of employment that handle hazardous chemicals that are flammable and combustible. Fires and explosions cause injuries, fatalities and destroy structures and equipment. Ultimately, the amendments ensure the protection of health and safety of California workers, and indirectly impact the protection of the environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no rea-

sonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

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

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) or Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF THE 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. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons and supporting documents. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 15. BOARD OF STATE AND
COMMUNITY CORRECTIONS**

**NOTICE OF PROPOSED ACTION
ADOPTION, AMENDMENT, AND REPEAL OF
REGULATIONS OF THE BOARD OF STATE
AND COMMUNITY CORRECTIONS**

**LOCAL YOUTHFUL OFFENDER
REHABILITATIVE FACILITY
CONSTRUCTION FINANCING PROGRAM
CALIFORNIA CODE OF REGULATIONS
TITLE 15, DIVISION 1, CHAPTER 1,
SUBCHAPTER 7**

Pursuant to the authority granted by Welfare and Institutions Code 1975, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to adopt, amend, and repeal (*Section 1857*) the regulations contained in Title 15, Division 1, Chapter 1, Subchapter 7, California Code of Regulations (known as the Local Youthful Offender Rehabilitative Facility Construction Financing Program), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

BSCC has not scheduled a public hearing on this proposed action. However, the BSCC will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized represen-

tative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC. The written comment period closes at **5:00 p.m. on December 15, 2014**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Ginger Wolfe, Associate Governmental Program
Analyst
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
ginger.wolfe@bscc.ca.gov

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the BSCC may adopt the proposed regulations substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the BSCC adopts, amends, or repeals the regulation(s). The BSCC will accept written comments on the modified regulation text during the 15-day period. Comments should be addressed to the above-noted staff member.

NOTE: To be personally notified of any modifications, you must submit a request or written/oral comments at the public hearing, if a hearing is held; submit comments to the office during the written public comment period; or specifically request to be notified of any modifications.

AUTHORITY AND REFERENCE

Pursuant to the authority granted by Welfare and Institutions Code, Section 1975, the BSCC proposes regulatory action to adopt, amend, and repeal the regulations contained in Title 15, Division 1, Chapter 1, Subchapter 7, California Code of Regulations (known as the Local Youthful Offender Rehabilitative Facility Construction Financing Program), after considering all comments, objections, and recommendations regarding these regulations.

The BSCC proposes to adopt Sections 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, and 1850.1; amend the Title 15, Division 1, Chapter 1, Subchapter 7 authoriz-

ing agency name, Subchapter 7 title, Sections 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, and 1892, and repeal Section 1857 of Title 15 of the California Code of Regulations (CCR).

The following sections will be implemented, interpreted and/or made specific by this proposed rulemaking:

Authority: Sections 1975, Welfare and Institutions Code; and Section 6030, Penal Code. Reference: Sections 1970–1978, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Title 15 regulations discuss and define the requirements, responsibilities, and processes set forth in Sections 1970–1978 of the Welfare and Institutions Code for the Local Youthful Offender Rehabilitative Facility Construction Financing Program. The original RFP is now known as “Round One” and the newly released RFP is known as “Round Two”. In 2007 an Executive Steering Committee (ESC) made up of experts in the field of local juvenile corrections was established to interpret the Senate Bill 81 legislation and determine how the program could be applied to county needs. In 2014, with a remaining balance of un-awarded financing, the BSCC assembled a Round Two ESC to revisit the needs to counties and determined how they could be met by the program and memorialized in the CCR. While previous regulations speak to the program as a whole, they do not address the newly released Request for Proposals (RFP) aimed at awarding the remaining financing monies.

Section 6030 of the Penal Code requires that the BSCC establish minimum standards for local correctional facilities. These minimum standards include the review and approval of proposed facility construction documents and materials for compliance with existing safety and security regulations.

Summary of Existing Regulations

Existing standards that prescribe requirements for the Local Youthful Offender Rehabilitative Facility Construction Financing Program are promulgated by the BSCC. These regulations are contained in Title 15, Local Youthful Offender Rehabilitative Facility Construction Financing Program, Division 1, Chapter 1, Subchapter 7 of the CCR.

Evaluation of Consistency/Compatibility with Current Regulations

The Board has evaluated the proposed regulation changes and determined these are the only regulations dealing with the Local Youthful Offender Rehabilitative Facility Construction Financing Program. Therefore, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Summary of Effect

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 7 CCR adopting, amending, and repealing language to implement statute requiring the BSCC to award construction financing to acquire, design, and construct local youthful offender rehabilitative facilities. The proposed action provides for the statutory requirement found in Welfare and Institutions Code Sections 1970–1978 as it pertains to the financing of local youthful offender rehabilitative facilities. Counties across the state are facing crowding in existing and outdated custodial facilities. The proposed action will allow for the award of the remaining financing, totaling \$79.2 million, to relieve counties of the current and impending flux of youthful offenders.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to update regulations for the Local Youthful Offender Rehabilitative Facility Construction Financing Program in conformance with statutory changes.

Documents Incorporated By Reference

Senate Bill 81 Round Two, Local Youthful Offender Rehabilitative Facility Construction Funding Program Proposal Form, September 12, 2014

Senate Bill 81, Round Two Construction of Local Youthful Offender Rehabilitative Facilities, Fiscal Year 2014/2015, Request for Proposals, September 12, 2014

Benefits Anticipated From The Proposed Regulation

The BSCC anticipates several benefits from the proposed regulation adoption and amendment, including: protection of public health and safety, worker safety, and the creation of jobs.

Once adopted these regulations will allow the BSCC to extend financing to conditionally awarded counties for the construction of local youthful offender rehabilitative facilities. Many counties in California are operating outdated, dilapidated, crowded facilities. With these regulations, awards can be made to improve the physical condition of those facilities, creating a safer

environment for detained youth, workers, and the community. Senate Bill 81, Round Two, allows program/treatment space for alternatives to detention and a wide array of programs that will improve public health and safety. Counties proposing the construction of new facilities will create jobs within their communities.

Proposed changes to the text also include the allowance of regional projects (Senate Bill 365, Chapter 627, Statutes of 2013) permitting counties unable to compete on their own to propose shared facilities.

DISCLOSURE REGARDING THE PROPOSED ACTION

The BSCC has made the following initial determinations:

Mandate on local agencies and school districts: As required by Government Code Section 11346.9(a)(2), the BSCC has determined that there will be no mandates imposed on local agencies or school districts through the adoption of these Title 15 regulations as proposed. Local agencies participate in the Local Youthful Offender Rehabilitative Facility Construction Financing Program by request for proposal. Participation in these programs is on a voluntary basis only. No local agency or school district is required to participate.

Cost or savings to any state agency: There were no additional positions or staff time received for this program; costs will be absorbed by current budget. There will be a cost of debt service paid on lease revenue bonds, however, the BSCC does not anticipate any payments during the current or subsequent two fiscal years.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

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

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

Cost impacts on a representative private person or businesses: The BSCC 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

Adoption of these regulations will not:

- (1) Eliminate jobs within California.

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

Adoption of these regulations will:

- (1) Create jobs within California.
- (2) Affect the welfare of California residents, worker safety, and the state's environment.

The welfare of California residents and worker safety will be affected positively by construction and/or renovation of new and existing local youthful offender rehabilitative facilities. A greater focus has been placed on programming space and making community and youth programs available in-facility and as an alternative to incarceration. In some instances participants of programs will receive support, educational services and necessary social skills to better assimilate back into the community. The state's environment will not be affected by the adoption of these regulations.

New and renovated facilities will offer more space, technology, and other much-needed tools to create a safe environment for workers, youth, visitors, and the community.

Significant effect on housing costs: None.

Small Business Determination: The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs for local youthful offender rehabilitative facilities.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF RULEMAKING DOCUMENTS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address and may also be accessed through the BSCC's website at <http://www.bscc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the BSCC 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 BSCC adopts the regulations, as revised. The modified text may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the address below.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the address below.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Ginger Wolfe at the address below.

CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS

Inquiries concerning the proposed action may be directed to:

Ginger Wolfe, Associate Governmental Program Analyst
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 341-7325
ginger.wolfe@bscc.ca.gov
Fax: (916) 327-3317

If the above contact person is unavailable, please direct inquiries to:

Allison Ganter, Deputy Director
Facilities Standards and Operations Division
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 445-5073
allison.ganter@bscc.ca.gov
Fax: (916) 327-3317

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret, and make specific PC Section 5054, proposes to amend Sections 3000, 3173.2, 3287, and 3410.1 and adopt Section 3410.2 in the California Code of Regulations, Title 15, Division 3, concerning the use of canines for searches of all individuals.

PUBLIC HEARING

December 16, 2014
9:00 a.m. to 10:00 a.m.
Place: Department of Corrections and Rehabilitation
Kern Room
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about Canine Searches

PUBLIC COMMENT PERIOD

The public comment period will close **December 16, 2014, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

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

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

**G. Long
Regulation and Policy Management Branch
Telephone (916) 445-2276**

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

John Peterson
Correctional Administrator, General
Population, DAI
Telephone (916) 324-1653

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

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

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

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

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

This action:

- Establishes the use of passive canines as an additional method to search all individuals coming onto institution grounds.
- Provides an enhanced drug and contraband interdiction strategy to reduce drugs and contraband within the prisons.
- Enables the Department to identify individuals who may be using illegal substances or attempting to traffic drugs into the prison.
- Enables the Department to conduct enhanced inspections on all employees, inmates, and visitors.
- Creates a safer environment for inmates, visitors, and employees.

FORMS INCORPORATED BY REFERENCE

CDCR 837-A (Rev. 07/05) CRIME/INCIDENT REPORT PART A-COVER SHEET
CDC 887-B (01/03) NOTICE OF VISITOR WARNING/TERMINATION/SUSPENSION/DENIAL/REVOCATION

CDC 888 (Rev. 01/03) NOTICE OF REQUEST FOR SEARCH

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department has determined these proposed regulations will be an additional method to prevent the introduction of drugs and contraband into the institutions, eliminate the potential strife between inmates trying to profit from illegal activities, and provide a safer environment for inmates, visitors, staff, all employees, and volunteers.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

During the process of amending and developing these regulations, the Department has researched existing regulations and determined that these proposed regulations are not inconsistent or incompatible with existing State laws and regulations.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed pursuant to Government Code section 17500 et seq.: *None.*
- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the State: *None.*

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The Department has initially determined that the proposed regulations will not have a significant statewide

adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

The Department has determined that the proposed regulations promote worker safety, and benefit the health and welfare of California residents and the State's environment with the use of enhanced drug and contraband interdiction strategies to reduce drugs and contraband within the institutions.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of State prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons will be available on the Department's website at <http://www.cdcr.ca.gov/Regulations/Adult-Operations/index.html> and may also be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 17. AIR RESOURCES BOARD

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

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider proposed amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation (Cap-and-Trade

Regulation or Regulation) to add one updated offset protocol and one new offset protocol, and to modify Regulation provisions regarding forestry involuntary reversals.

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

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

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

Sections Affected: Proposed amendments to sections 95802, 95973, 95975, 95976, 95981, 95985, and 95990, title 17, California Code of Regulations (CCR).

Documents Incorporated by Reference:

The following documents are ARB-drafted documents that will be incorporated by reference into the Cap-and-Trade Regulation when it is amended. Any changes to these documents will be made available in accordance with the Administrative Procedure Act (Government Code section 11340 et seq.) and pursuant to a noticed 15-day comment period after the Board hearing. The final date of these documents, if approved by the Board, will be the date of final adoption by ARB.

1. Compliance Offset Protocol U.S. Forest Project; and
2. Compliance Offset Protocol Rice Cultivation Projects.

Background and Effect of the Proposed Rulemaking

The California Global Warming Solutions Act of 2006 (Assembly Bill 32; Stats. 2006, Chapter 488) (AB 32) authorizes ARB to implement a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required ARB to develop a scoping plan to reduce GHG emissions in Califor-

nia to 1990 levels by 2020, and continue reductions beyond 2020. ARB's adopted Scoping Plan includes a comprehensive set of actions designed to reduce GHG emissions in California, improve the environment, reduce dependence on foreign oil, diversify energy sources, save energy, create new jobs, and enhance public health. Meeting the goals of AB 32 requires a coordinated set of strategies to reduce GHG emissions throughout the economy that work within a comprehensive tracking, reporting, verification and enforcement framework. The Scoping Plan includes a variety of measures to achieve AB 32 goals, including direct regulations, performance-based standards, and market-based mechanisms. Many of the measures in the Scoping Plan complement and reinforce each other.

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

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

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

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

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

In the spring of 2014, as a result of additional Board direction and stakeholder discussions, staff began a

public process to propose additional amendments for Board consideration. This process resulted in a set of amendments that included updates to the Livestock and Ozone Depleting Substance offset protocol as well as updates to the quantification methodologies in the U.S. Forest protocol. That set of amendments was approved for adoption by the Board in September 2014.

During these hearings and in Resolution 11–32, the Board also provided ongoing direction to staff to continue considering updates to existing offset protocols. To that effect, and in developing the proposed amendments described in this notice, staff held two workshops and released draft proposed offset protocols for public comment. ARB received more than 65 written comments on the discussion draft protocols and met regularly with stakeholders to discuss concerns and recommendations.

ARB is undertaking these amendments to the Regulation prior to the effective date of the previous set of regulatory amendments noticed on July 29, 2014. This notice addresses amendments to the Regulation to be considered at the December 2014 Board hearing. This notice addresses the adoption of an updated U.S. Forest Projects protocol that extends project eligibility to parts of Alaska and updates Common Practice values, the adoption of a new compliance offset protocol for Rice Cultivation, and amendments to clarify the intentional reversal definition as it applies to U.S. Forest projects.

Objectives and Benefits

The proposed amendments address stakeholder concerns related to offset supply and offset program implementation. Staff has proposed amendments to the Regulation to clarify the definition of intentional reversal as it applies to U.S. Forest projects, clarify the definition of Early Action Offset Project as it applies to U.S. Forest reforestation offset projects, and update Common Practice values based on the latest available data. Details regarding the proposed amendments are included in Chapter II: Summary of Proposed Action in the Initial Statement of Reasons. Specifically staff is proposing an update to the U.S. Forest offset protocol and a new Rice Cultivation offset protocol. Summaries of these protocols and the proposed protocol text are included in Appendices B and C of the Staff Report for the Proposed Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms.

Anticipated benefits of the proposed amendments in this Notice include an update to the U.S. Forest Compliance Offset Protocol and a new Rice Cultivation Compliance Offset Protocol resulting in more cost-containment options, updates to Common Practice values and improved clarity on actions resulting in an intentional reversal as it applies to a U.S. Forest project.

Given the GHG emission reductions that will occur because of the offset projects, these amendments may also directly improve the health and welfare of California residents, worker safety, and the State’s environment. Specific discussion of the proposed amendments follows.

Updated Compliance Offset Protocol

Staff has evaluated and proposed amendments to incorporate by reference the updated U.S. Forest Projects Compliance Offset Protocol (2015). This update to the U.S. Forest Projects Compliance Offset Protocol will extend project eligibility to regions of Alaska. A detailed analysis of this protocol is included in Appendix C of the Staff Report.

New Compliance Offset Protocol

Staff has evaluated and proposed amendments to incorporate by reference the newly proposed Rice Cultivation Projects Compliance Offset Protocol (2015). A detailed analysis of this protocol is included in Appendix B of the Staff Report.

Forestry Intentional Reversal

Staff has evaluated and proposed amendments to exclude back burn fires intentionally set to protect forestlands from an advancing wildfire from the definition of intentional reversal. Back burn fires must be set by, or at the request of, a local, state, or federal fire protection agency to be excluded from the definition.

Forestry Common Practice Values

Staff has evaluated and proposed amendments to update the Common Practice values using the latest data from the U.S. Department of Agriculture Forest Service Forest Inventory and Analysis National Program. The detailed data set to support these updates is posted here: <http://www.arb.ca.gov/cc/capandtrade/offsets/copupdatereferences.htm>

Early Action Offset Project

Staff has evaluated and proposed amendments to allow U.S. Forest reforestation offset projects that have not been issued early action offset credits to be considered an Early Action Offset Project. These projects must be registered with and must meet all program requirements of an Early Action Offset Program prior to transitioning to a Compliance Offset Protocol.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

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

MANDATED BY FEDERAL LAW
OR REGULATION

This regulation is not mandated by federal law or regulations.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal regulations.

AVAILABILITY OF DOCUMENTS AND
AGENCY CONTACT PERSONS

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

Copies of the ISOR and the full text of the proposed regulatory language, in **bold underline** and **~~bold strikeout~~** format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on October 28, 2014.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Rajinder Sahota, Chief of the Climate Change Program Evaluation Branch at (916) 323-8503 or Mr. Greg Mayeur, Manager of the Climate Change Program Operations Section at (916) 324-8031.

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

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2014/capandtradeprf14/capandtradeprf14.htm>.

DISCLOSURES REGARDING THE
PROPOSED REGULATION

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

Fiscal Impact/Local Mandate

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

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

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

Cost Impacts on Representative Private Persons or Businesses

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

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

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or

elimination of jobs within the State of California, the creation of new business or elimination of existing business within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis chapter of the ISOR.

Benefits of the Proposed Regulation:

The objective of the proposed amendments to the regulation is to provide additional cost-containment mechanisms.

A summary of these benefits is provided on page 1841 of this notice under “Objectives and Benefits” of the Information Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code Section 11346.5(a)(3).

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter V of the ISOR, Economic Impacts Analysis/Assessment of the Proposed Regulation.

EFFECT ON SMALL BUSINESS

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

HOUSING COSTS

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

BUSINESS REPORT

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

ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise

been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

ENVIRONMENTAL ANALYSIS

ARB, as the lead agency for the proposed regulatory action, prepared two draft environmental analyses (EAs) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). A draft EA specific to the newly proposed Rice Cultivation Projects Compliance Offset Protocol is included in Chapter III of Appendix B of the Staff Report, and a draft EA specific to the proposed update to the U.S. Forest Projects Compliance Offset Protocol is included in Chapter III of Appendix C of the Staff Report. Written comments on the draft EAs will be accepted during the 45-day public review period that begins on October 31, 2014 and ends at 5:00 p.m. on December 15, 2014. Written comments regarding the draft EAs should be submitted pursuant to the process detailed below.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on **October 31, 2014**. To be considered by the Board, written comments, not physically submitted at the hearing, must be submitted on or after **October 31, 2014** and received no later than **5:00 p.m. on December 15, 2014**, and must be addressed to the following:

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

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) be-

come part of the public record and can be released to the public upon request.

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38510, 38560, 38562, 38570, 38571, 38580, 39600, 39601, and section 16428.8 of the Government Code. This action is proposed to implement, interpret, and make specific sections 38530, 38560.5, 38564, 38565, 38570 and 39600 of the Health and Safety Code.

HEARING PROCEDURES

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

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

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

SPECIAL ACCOMMODATION REQUEST

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

- An interpreter to be available at the hearing;

- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

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

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

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

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 1588, *Seeds, Plants and Fertilizer*

NOTICE IS HEREBY GIVEN that 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 California Code of Regulations, title 18, section (Regulation) 1588, *Seeds, Plants and Fertilizer*. Regulation 1588 implements, interprets, and makes specific RTC section 6358’s exemption, as pertinent here, from sales and use tax for the gross receipts from the sale and the storage, use, or other consumption of fertilizer applied to land, the products of which are to be used as food for human consumption or are to be sold in the regular course of business. The proposed amendments add language to subdivision (b)(1) of Regulation 1588 to specifically include carbon dioxide in the definition of fertilizer and provide that carbon dioxide is not an auxiliary soil and plant substance as that term is defined in Food and Agricultural (Food & Ag.) Code section 14513. The proposed amendments revise Regulation 1588, subdivi-

sion (b)(2) to clarify and further emphasize that the exemption may apply to sales of fertilizer applied to land or in foliar application. The proposed amendments to Regulation 1588, subdivision (b)(1) also add the word “packaged” before the references to “soil amendments” to be consistent with Food & Ag. Code section 14552.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on December 17–18, 2014. 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 or 18, 2014. 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 1588.

AUTHORITY

RTC section 7051.

REFERENCE

RTC section 6358.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

RTC section 6358, subdivision (d) provides an exemption from sales and use tax for the gross receipts from the sale and the storage, use, or other consumption of fertilizer applied to land, the products of which are to be used as food for human consumption or are to be sold in the regular course of business. For purposes of this exemption, Regulation 1588 defines the term “fertilizer.”

The current provisions of Regulation 1588, subdivision (b)(1) define the term “fertilizer” to include manure, commercial fertilizers, as defined in Food & Ag. Code section 14522, and agricultural minerals, as defined in Food & Agr. Code section 14512. Specifically excluded from the definition of fertilizer in Regulation 1588 are soil amendments, as defined in Food & Ag.

Code section 14552, and auxiliary soil and plant substances, as defined in Food & Ag. Code section 14513.

In addition, the current provisions of Regulation 1588, subdivision (b)(2) specifically provide that, as a result of the exemption provided by RTC section 6358, subdivision (d), “[t]ax does not apply to sales of fertilizer to be applied to land (including foliar application) the products of which are to be: (a) used as food for human consumption, (b) used as feed for any form of animal life of a kind the products of which ordinarily constitute food for human consumption, or (c) sold in the regular course of the purchaser’s business.” Also, the last sentence in Regulation 1588, subdivision (b) provides that, “[w]hen insecticides are mixed with fertilizer and the mixture sold, that portion of the total price allocable to the fertilizer may be excluded from the measure of the tax if the mixed product is applied to land (including foliar application) the products of which are to be: (a) used as food for human consumption, (b) used as feed for any form of animal life of a kind the products of which ordinarily constitute food for human consumption, or (c) sold in the regular course of the purchaser’s business.”

Leaves are able to absorb fertilizer through the pores on their surface. Fertilizer is applied in a foliar application when it is applied directly to leaves (or foliage). Regulation 1588, subdivision (b) has provided that the exemption provided by RTC section 6358, subdivision (d) applies to fertilizer applied in “foliar application” since 1970.

Effect, Objective, and Benefits of the Proposed Amendments to Regulation 1588

Need for Clarification

The Board’s Legal Department has previously determined, as early as 1960, that carbon dioxide is a fertilizer when applied to land in farming. This determination is found in Sales and Use Tax Annotation 510.0580:

Carbon Dioxide. Carbon dioxide sold at retail to farmers for application to their land to assist in the neutralization of alkaline soils, qualifies as a “fertilizer.” 5/6/60.

The May 6, 1960, legal ruling, which is summarized in the annotation, explains that in the examined situation, carbon dioxide was sold to farmers for application to land through their irrigation systems, and used to assist in the neutralization of alkaline soils. It also explains that, at the time the legal ruling was written, the Department of Agriculture already considered carbon dioxide sold for such a purpose to be an “agricultural mineral,” which is included in the definition of fertilizer for sales and use tax purposes. (Annotations, which are published in the Business Taxes Law Guide, are summaries of conclusions reached in selected legal rulings. See, Reg. 5700, *Annotations.*)

More recently, a question has arisen as to whether carbon dioxide should be classified as fertilizer, when used by a hydroponic farmer. (Hydroponics is a subset of hydroculture and is a method of growing plants using mineral nutrient solutions, in water, without soil.) In the particular case in question, the carbon dioxide is converted to a gaseous form that is delivered to the plants through a perforated tube at or near ground level. The carbon dioxide percolates up and is absorbed by the leaves of the plant (through foliar application) in order to support the life of the plant. Board staff questioned whether carbon dioxide used in hydroponic farming should still be classified as an agricultural mineral, which is included in the definition of fertilizer in Regulation 1588, or whether such use makes the carbon dioxide an auxiliary soil and plant substance, which is specifically not a fertilizer under Regulation 1588. Board staff concluded that carbon dioxide used in hydroponic farming is a fertilizer because the Board had previously concluded that carbon dioxide is a fertilizer when used for the purpose of furnishing an element to be absorbed by the plant itself, thereby becoming a part of the plant's growth, and Regulation 1588 provides for fertilizer to be applied through foliar application. Board staff also concluded that it would be helpful to amend Regulation 1588 to specifically include carbon dioxide in the definition of fertilizer and specify that carbon dioxide is not an auxiliary soil and plant substance for sales and use tax purposes.

Interested Parties Process

Business Taxes Committee staff drafted amendments to Regulation 1588, subdivision (b) to clarify the treatment of carbon dioxide and fertilizer used in hydroponic farming. The draft amendments suggested adding language to subdivision (b)(1) of Regulation 1588 to specifically include carbon dioxide in the definition of fertilizer and provide that carbon dioxide is not an auxiliary soil and plant substance as that term is defined in Food & Ag. Code section 14513. The draft amendments suggested revising Regulation 1588, subdivision (b) to clarify and further emphasize that the exemption may apply to sales of fertilizer applied to land or in foliar application. The draft amendments to Regulation 1588, subdivision (b)(1) also add the word "packaged" before the references to "soil amendments" to be consistent with Food & Ag. Code section 14552.

Business Taxes Committee staff subsequently provided its draft amendments to Regulation 1588 to the interested parties and conducted an interested party meeting on May 21, 2014, to discuss the draft amendments. No formal comments were submitted, however, staff worked with interested parties' suggestions to refine the draft amendments. No further comments or concerns were expressed by interested parties.

September 23, 2014, Business Taxes Committee Meeting

Subsequently, staff prepared Formal Issue Paper 14-005 and distributed it to the Board Members for consideration at the Board's September 23, 2014, Business Taxes Committee meeting. Formal Issue Paper 14-005 recommended that the Board propose to add language to Regulation 1588, subdivision (b)(1) to specify that the term fertilizer includes carbon dioxide and provide that carbon dioxide is not an auxiliary soil and plant substance as that term is defined in Food & Ag. Code section 14513. The formal issue paper also recommended that the Board propose to revise Regulation 1588, subdivision (b) to clarify and further emphasize that the exemption may apply to sales of fertilizer applied to land or in foliar application. The issue paper also recommended that the Board propose to update the references to "soil amendments" in Regulation 1588, subdivision (b)(1) so that they refer to "packaged" soil amendments to be consistent with Food & Ag. Code section 14552.

Mr. John Gamper, from the California Farm Bureau Federation, appeared during the September 23, 2014, Business Taxes Committee meeting and expressed support for the proposed amendments. Ms. Jeanette Lombardo, from California Food and Agribusiness Advocates, representing Houweling's Tomatoes, appeared along with Mr. Martin Weijters, Senior Corporate Grower, Houweling's Tomatoes, and stated that they were available to answer any question the Members may have.

At the conclusion of the Board's discussion of Formal Issue Paper 14-005 during the September 23, 2014, Business Taxes Committee meeting, the Board Members unanimously voted to propose the amendments to Regulation 1588 recommended in the formal issue paper. The Board determined that the proposed amendments to Regulation 1588 are reasonably necessary to have the effect and accomplish the objective of addressing the issue regarding carbon dioxide used in hydroponic farming (discussed above).

The Board anticipates that the proposed amendments to Regulation 1588 will promote fairness and benefit taxpayers, Board staff, and the Board by clarifying that RTC section 1588 applies to carbon dioxide and fertilizer used in hydroponic farming.

The Board has performed an evaluation of whether the proposed amendments to Regulation 1588 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Regulation 1588 is the only state regulation implementing, interpreting, and making specific the exemption provided by RTC section 6358, subdivi-

sion (d). In addition, the Board has determined that there are no comparable federal regulations or statutes to Regulation 1588 or the proposed amendments to Regulation 1588.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulation 1588 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 1588 will result in no direct or indirect cost or savings to any state agency and will result in no cost or savings in federal funding to the State of California. The Board has also determined that the adoption of the proposed amendments to Regulation 1588 result in no direct or indirect cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, and will result in no other non-discretionary cost or savings imposed on local agencies.

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 1588 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 1588 may affect small business.

NO KNOWN 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 ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board has determined that the proposed amendments to Regulation 1588 are not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment 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 1588 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 1588 will not affect the benefits of Regulation 1588 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 1588 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 amendments should be directed to Monica Gonzalez Silva, Tax Counsel III, by telephone at (916) 323-3138, by e-mail at Monica.silva@boe.ca.gov, or by mail at State Board of Equalization, Attn: Monica Gonzalez Silva, 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, 2014, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to Regulation 1588 during the December 17-18, 2014, 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, or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulation 1588. 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 1588 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 1588, which includes the economic impact assessment 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 amendments 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 1588 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 1588, 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

SUBJECT: Portable Imaging Services, DHCS-14-011

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (Department) proposes to adopt Sections 51193.1 and 51193.3 and amend Sections 51051, 51113, 51311, 51511.6 and 51531, Title 22, Division 3, Chapter 3 of the California Code of Regulations (CCR), after considering all public comments, objections, and recommendations.

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 Portable Imaging Services, DHCS-14-011 and submit using any of the following methods:

Mail Delivery: 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

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The written comment period closes at **5:00 p.m., on December 15, 2014**; 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 rule-making. 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:

Section 20, Health and Safety (H&S) Code; Sections 10725, 14043.75, 14100.1, 14105 and 14124.5, Welfare and Institutions (W&I) Code.

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

Sections 14043, 14043.1, 14043.15, 14043.26, 14043.27, 14043.36, 14105, 14105.3, 14132, 14132.25, 14132.39, 14132.4, 14132.44, 14133, 14133.05, 14133.1 and 14134.5, W&I Code; Section 1206, Business and Professions Code; Statutes of 1982, Chapter 1594, Section 77; Statutes of 1983, Chapter 323, Section 149; Statutes of 1984, Chapter 268, Section 66; Statutes of 1985, Chapter 111, Items 4260-106-001 and 890; Section 33, Chapter 456, Statutes of 1990; Section 149.1, Chapter 323, Statutes of 1993; Statutes of 2004, Chapter 208, Items 4260-101-0001 and 4260-101-0890; Statutes of 2005, Chapters 38, Items 4260-101-0001 and 4260-101-0890; Statutes of 2006, Chapter 48, Items 4260-101-0001 and 4260-101-0890; Sections 1250(k) and 1765.105, H&S Code; and Title 42 United States Code, Section 263a.

Title XIX of the Social Security Act creates the federal Medicaid Program, administered in California by the Department as the California Medical Assistance (Medi-Cal) program. The Social Security Act, Sections 1902 and 1905, require that the Medi-Cal program provide certain health care services, including, but not limited to, hospital inpatient and hospital outpatient services, nursing facility services, physician services, and x-ray and laboratory services. Specifically, Title 42, United States Code, Section 1396d(a)(3) indicates that x-ray and laboratory services are covered medical assistance, as further set forth in Title 42 Code of Federal Regulations, Section 440.30. The state authority for the foregoing is contained in W&I Code Section 14132(f).

The Medi-Cal program covers specified services, when rendered by a Medi-Cal provider (defined under Title 22, California Code of Regulations (CCR) Section 51051), including physicians, hospital outpatient departments, clinical laboratories, and portable x-ray services providers. These Medi-Cal providers shall meet the standards for participation in the Medi-Cal program as specified in Section 51200 et seq. As specified under Section 51501(b), these providers shall receive payments for services covered under the Medi-Cal program only when the providers have met these standards and the requirements for payment under Article 7 (commencing with Section 51501).

Portable x-ray services are covered under the Medi-Cal program as x-ray services when rendered by a portable x-ray services provider, as specified in Title 22, CCR, Section 51311. However, existing regulations do not include definitions for "portable x-ray services" or "portable x-ray services providers." This regulatory action proposes to define these services and providers, in addition to updating the terminology throughout the affected CCR Sections. Specifically, "portable x-ray services" will appropriately be called "portable imaging services" and "portable x-ray services providers" will appropriately be called "portable imaging services providers." This terminology change is the result of the evolution of medical technology and is now the recognized terminology used in the diagnostic industry today. In addition to these changes in terminology, this regulatory proposal will also update other requirements for portable imaging services related to authorization and payment.

Anticipated Benefits or Goals of the Regulations

This regulatory proposal supports the purpose and intent of the Medi-Cal program, as specified under W&I Code Section 14000 et seq. (Chapter 7, Basic Health Care), to afford qualifying individuals (such as the aged or disabled) covered health care services in a manner

equitable to the general public and without duplication of benefits available under other federal or state laws.

Within Chapter 7, W&I Code Section 14124.5 further specifies that the Director may promulgate regulations as are necessary or proper to carry out the purpose and intent of this Chapter, which includes implementation of the uniform schedule of health care benefits under the Medi-Cal program, as described under W&I Code Section 14131 et seq., including x-ray services under W&I Code Section 14132(f).

The amendments proposed through this regulatory action will clarify the x-ray services (i.e. portable imaging services) that are available under the Medi-Cal program. These amendments will directly benefit providers (e.g. Physicians, Portable Imaging Services Providers, et al.) through the adoption of current and defined terminology and by providing clarity regarding the scope of services, authorization, and requirements for payment, which in turn facilitate the delivery of these health care services to beneficiaries. In addition to meeting the goals of the authorizing statutes (as described above), these proposed 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, funding and the authorized schedule of benefits.

Consistency and Compatibility with Existing State Regulations

The Department has conducted an evaluation of the related existing state regulations under CCR, Title 22, Division 3 and has determined that the proposed regulations are consistent with and compatible with those regulations. An automated search of Title 22, Division 3 using the keywords — “x-ray,” “portable imaging,” “portable x-ray,” “portable imaging services,” “diagnostic providers,” and “diagnostic services” was conducted via Westlaw and yielded no conflicting state regulations.

Regulatory Sections

This regulatory action amends Sections 51051, 51113, 51311, 51511.6 and 51531 and adopts Sections 51193.1 and 51193.3 of Title 22, CCR. This regulatory action will specifically accomplish the following:

- Replace the term “portable x-ray” with the technically correct term “portable imaging”;
- Define “portable imaging services” and “portable imaging services provider”;
- Clarify the scope of portable imaging services and authorization (payment);
- Specify financial interest and direct care relationship standards; and

- Make non-substantive changes including the addition of cross references, grammatical and punctuation changes, and language amendments for clarity and consistency throughout the impacted regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Fiscal Impact Statement

- A. Costs to any Local Agency or School District that is not reimbursable by the State: None.
Costs to any Local Agency or School District that is required to be reimbursed under Part 7 (commencing with Section 17500), Division 4 of the Government Code: None.
- B. Costs or Savings to any State Agency: None.
- C. Costs or Savings in Federal Funding to the State: None.
- D. Other Nondiscretionary Costs or Savings Including Revenue Changes Imposed on State or Local Governments: None.

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 proposed action.

Mandates on Local Agencies or School Districts

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

Results of the Economic Impact Assessment (Analysis)

In accordance with Government Code Section 11346.3(b)(1), the Department has made the following assessments and has determined that the proposed 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.

Impact on Jobs and Businesses

Medi-Cal is a public health program that provides health care services for low-income individuals who choose to enroll and participate in the program. This proposed regulatory action will affect only those providers who administer portable imaging services and the beneficiaries who receive these services through the Program. The amendments proposed through this regulatory action that define/update terminology and clarify scope of services and criteria for authorization and payment, are not anticipated to have an impact on the creation or elimination of jobs, the creation of new businesses, the elimination of existing business or the expansion of businesses in California.

Benefits of the Proposed Regulation

The Department has determined that the proposed regulations will not affect worker safety or the state's environment. However, the proposed regulations will benefit the health and welfare of California residents by maintaining the continuity of the Medi-Cal program through the provision of comprehensive health care services for low-income individuals such as families with children, seniors, persons with disabilities, children in foster care and pregnant women. The proposed regulations will specify what portable imaging services are and who can provide these services, as well as requirements related to authorization and eligibility for payment, which in turn will facilitate the delivery of these vital health care services to beneficiaries. This regulatory proposal supports the proper and efficient administration of the Medi-Cal program in accordance with federal and state laws.

Effect on Small Businesses

The Department has determined that the regulations would only affect small businesses (providers) that voluntarily participate in the Medi-Cal program and offer portable imaging services.

Housing Costs Determination

The Department has made the determination 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. The proposed regulations are the most effective method in which to update existing regulatory provisions related to portable imaging services and to adopt new related definitions. This regulatory proposal will provide convenient access to this information in one location (the CCR) for providers of these services and beneficiaries who receive these services.

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, and 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: Janice Spitzer, Chief, Benefits Analysis Section, at (916) 552-9422.

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 proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed 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 proposed 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 this proposed 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 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 22/MPP. DEPARTMENT OF
SOCIAL SERVICES**

ORD #0813-09

ITEM # 1: Adam Walsh Regulations for CDSS

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 17, 2014, 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 inter-

preter 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 17, 2014.

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

Title 22, Chapter 35000, 35100, 35200

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The proposed regulations are necessary to implement the mandates of Public Law (PL) 109-248, known as the Adam Walsh Child Protection and Safety Act of 2006, which amended 42 United States Code sections 670 et seq. effective January 1, 2008.

This Federal law requires changes to the background and criminal history checks for prospective foster and

adoptive parents and all adults residing in the home. This applies to all public and private adoption agencies and CDSS District Offices. Senate Bill (SB) 703 and Assembly Bill (AB) 2651 implemented the new federal provisions.

SB 703 (Chapter 583, Statutes of 2007) requires all licensed public and private adoption agencies in California to implement federal requirements for additional background checks for caregivers including prospective adoptive parents. SB 703 amended Health & Safety (H&S) Code sections 1522, 1522.05 and 1522.1 to comply with the Act. The amendments require changes in the review of the criminal and child abuse history prior to foster care licensing or certification, relative approval and adoption home study approval. If any person in the household is 18 years of age or older and has lived in another state in the preceding five years, the department or its designated representative must now check the other state's child abuse and neglect registry to the extent required by federal law prior to granting a license to or otherwise approving, any foster family home, certified family home or person for whom an adoption home study is conducted or who has filed to adopt.

AB 2651 (Chapter 701, Statutes of 2008) amended Family Code (FC) sections 8712, 8811 and 8908 pertaining to all licensed public and private adoption agencies in the State of California (including independent and intercountry adoptions). These provisions prohibit the final approval of a prospective adoptive applicant/petitioner or any adult residing in the applicant's home if they have been convicted of specified felony crimes, including felony assault, battery and drug or alcohol offenses.

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

Anticipated Benefits

The additional background checks mandated by the new law will provide greater protection for the health and safety of California's foster children.

COST ESTIMATE

1. Costs or Savings to State Agencies: The 2014–2015 Governor's Budget reflects \$61,000 in Long Range Forecasting (LRF) for Adoptions, \$186,000 in LRF for county welfare services (CWS) and \$24,000 in General Fund for Community Care Licensing (CCL).
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code sections 17500–17630: These

regulations changes do not result in local assistance costs to the counties or school districts.

3. Nondiscretionary Costs or Savings to Local Agencies: The CWS has \$85,000 for the county share in the 2014–2015 Governor's Budget.
4. Federal Funding to State Agencies: The 2014–2015 Governor's Budget reflects federal funding of \$32,000 for Adoptions, \$140,000 for CWS and \$13,000 for CCL.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC) 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 GC.

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.

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 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 are primarily greater safeguards for the health and welfare of California's foster children.

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.

AUTHORITY AND REFERENCE CITATIONS

Sections 10553, 10554 and 16118 of the Welfare and Institutions (W&I) Code, Sections 1530 and 1522.1 of the H&S Code and Section 8608, 8621, 8901 and 9203(f) of the FC grant CDSS the authority to develop the regulations and Sections 8712, 8811 and 8908 of the W&I Code, 1522.1 of the H&S Code and 8901 and 8908 of the FC are being referenced to make the regulations more specific.

Contact Person: Oliver Chu
(916) 657-2586
Back-up: Everado Vaca
(916) 657-2586

GENERAL PUBLIC INTEREST

BUREAU OF REAL ESTATE

**NOTICE OF HEARING BY THE REAL ESTATE COMMISSIONER:
ANNUAL FEE REVIEW — REQUIRED BY STATUTE**

Wayne S. Bell, Real Estate Commissioner, proposes to consider whether the fees charged by the Bureau of Real Estate (“CalBRE”) should be lower than the maximum amount allowed pursuant to California Business and Professions Code (“the Code”) Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011. The Com-

missioner’s consideration will include all comments, objections and recommendations regarding such fees.

PUBLIC HEARING ANNOUNCEMENT

Sections 10226 and 11011 of the Code require, among other things, that at least one regulation hearing be held each calendar year to determine if fees lower than those authorized under Section 10226.5(b) of the Code should be prescribed. The hearing referred to below shall serve as the regulation hearing for the purpose of satisfying the requirement of Sections 10226(a) and 11011(a) of the Code. CalBRE may present, at this hearing, relevant data compiled by the CalBRE, and other sources, if appropriate, that have been used or which may be used in making the determination if fees should be lower. There is no proposal to adopt, amend and/or repeal any sections of the California Code of Regulations (CCR) at this time. However, the Commissioner wishes to consider all comments, objections and recommendations regarding such fees.

CalBRE will hold a public hearing starting at 10:00 a.m., on December 17, 2014, at the CalBRE’s Sacramento Office, located at 1651 Exposition Boulevard, Sacramento, California. The hearing room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to CalBRE’s fee structure. The written comment period closes on December 17, 2014. All written comments must be received by 5:00 p.m. on that date at CalBRE’s Sacramento Office as follows:

Daniel E. Kehew, Real Estate Counsel
California Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007
Telephone: (916) 263-8681

Backup contact person for this proposed action is Mary Clarke at (916) 263-7303.

CalBRE will mail or deliver a copy of this Hearing Notice by the Real Estate Commissioner to CalBRE’s list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with CalBRE.

2. The Director of the Department of Consumer Affairs.
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by any fee adjustment. (To restate: This announcement involves no such adjustment.) CalBRE has no way of knowing which licensees are small businesses.
4. The California Association of Realtors (a real estate licensee trade organization) and the California Building Industry Association (a home builders trade organization).
5. A substantial number of land developers. Not small businesses by definition, they may, nevertheless, be affected by any fee adjustment. (To restate: This announcement involves no such adjustment.)

DATED: Oct. 21, 2014

/s/

Daniel E. Kehew
Real Estate Counsel

FISH AND GAME COMMISSION

NOTICE OF FINDINGS AND NOTICE OF PROPOSED RULEMAKING

Gray Wolf (*Canis lupus*)

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), at its June 4, 2014 meeting in Fortuna, California, made a finding, pursuant to California Fish and Game Code section 2075.5(e), that the petitioned action to add the gray wolf (*Canis lupus*) to the list of endangered species under the California Endangered Species Act, Fish & G. Code, § 2050 et seq. (CESA) is warranted.¹ See also Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1).

NOTICE IS ALSO GIVEN that the Commission, consistent, with Fish and Game Code section 2075.5, proposes to amend Title 14, section 670.5, of the California Code of Regulations, to add the California gray wolf to the list of species designated as endangered under CESA. See also *id.*, tit. 14, 670.1, subd. (j).

I. BACKGROUND AND PROCEDURAL HISTORY

On February 27, 2012, the Center for Biological Diversity (Center), Big Wildlife, the Environmental

Protection Information Center, and Klamath–Siskiyou Wildlands Center petitioned (Petition) the Commission to list the gray wolf as an endangered species under CESA. Cal. Reg. Notice Register 2012, No. 15–Z, p. 494. The Commission received the Petition on March 12, 2012, and referred it to the Department of Fish and Wildlife (Department) for an initial evaluation on March 13, 2012. Cal. Reg. Notice Register 2012, No. 15–Z, p. 494. On June 20, 2012, the Commission granted a request by the Department for an additional thirty (30) days to complete its initial evaluation of the Petition.

On August 1, 2012, the Department submitted its Initial Evaluation of the Petition to List the Gray Wolf (*Canis lupus*) under the California Endangered Species Act (CESA) (August 1, 2012) (hereafter, the 2012 Candidacy Evaluation Report), recommending that the Petition provided sufficient information such that listing may be warranted and, therefore, that the Commission accept the Petition for further evaluation under CESA. Fish & G. Code, § 2073.5, subd. (a)(2); Cal. Code Regs., tit. 14, § 670.1, subd. (d).

On October 3, 2012, the Commission voted to accept the Petition for further evaluation and to initiate a review of the status of the species in California pursuant to Fish and Game Code section 2074.2, subdivision (e)(2). Upon publication of the Commission’s notice of determination, the gray wolf was designated a candidate species on November 2, 2012. Cal. Reg. Notice Register 2012, No. 44–Z, p. 1610 (2012 Candidacy Evaluation Report).

Consistent with the Fish and Game Code and controlling regulation, the Department commenced a 12–month status review of the gray wolf following published notice of its designation as a candidate species under CESA. As part of that effort, the Department solicited data, comments, and other information from interested members of the public and the scientific and academic community; and the Department submitted a preliminary draft of its status review for independent peer review by a number of independent reviewers who possess the knowledge and expertise to critique the validity of the report. Fish & G. Code, §§ 2074.4, 2074.8; Cal. Code Regs., tit. 14, § 670.1, subd. (f)(2).

The effort culminated with the Department’s final Status Review of the gray wolf (*Canis lupus*) (February 5, 2014) (Status Review), which the Department submitted to the Commission at its meeting in Sacramento, California, on February 5, 2014. The Department recommended to the Commission that designating the gray wolf as an endangered species under CESA is not warranted. Fish & G. Code, § 2074.6; Cal. Code Regs., tit. 14, § 670.1, subd. (f).

The Commission considered the Petition, the Department’s 2012 Candidacy Evaluation Report, the Depart-

¹ The definition of an “endangered species” for purposes of CESA is found in Fish and Game Code section 2062.

ment's Status Review, and other information included in the Commission's administrative record of proceedings at its meeting in Ventura, California on April 16, 2014, and at its meeting in Fortuna, California on June 4, 2014. Fish & G. Code, § 2075; Cal. Code Regs., tit. 14, § 670.1, subds. (g) and (i). After receiving additional information and oral testimony, the Commission determined, based on the requirements of CESA and the evidence before it, that listing the gray wolf as an endangered species under CESA is warranted. Fish & G. Code, § 2075.5(a); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A). In so doing, the Commission directed its staff to prepare findings of fact consistent with its determination for consideration and ratification by the Commission at a future meeting. The Commission also directed its staff, in coordination with the Department, to begin formal rulemaking under the California Government Code to add the gray wolf to the list of endangered species set forth in Title 14, section 670.5, of the California Code of Regulations. Fish & G. Code, § 2075.5(e)(2); Cal. Code Regs., tit. 14, § 670.1, subd. (j); Gov. Code, § 11340 *et seq.*

II. STATUTORY AND LEGAL FRAMEWORK

The Commission has prepared these findings as part of its final action under CESA to designate the gray wolf as an endangered species. As set forth above, the Commission's determination that listing the gray wolf is warranted marks the end of formal administrative proceedings under CESA prescribed by the Fish and Game Code and controlling regulation. *See generally* Fish & G. Code, § 2070 *et seq.*; Cal. Code Regs., tit. 14, § 670.1. The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered and threatened species under CESA. Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.²

As set forth above, the CESA listing process for the gray wolf began in the present case with the Center's submittal of its Petition to the Commission in March 2012. Cal. Reg. Notice Register 2012, No. 15-Z, p. 494. The regulatory process that ensued is described above in some detail, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

Mountain Lion Foundation v. California Fish and Game Commission, 16 Cal.4th 105, 114–116 (1997);

California Forestry Association v. California Fish and Game Commission, 156 Cal.App.4th 1535, 1541–1542 (2007);

Center for Biological Diversity v. California Fish and Game Commission, 166 Cal.App.4th 597, 600 (2008); and

Natural Resources Defense Council v. California Fish and Game Commission, 28 Cal.App.4th 1104, 1111–1116 (1994).

The “is warranted” determination at issue here for the gray wolf is established by Fish and Game Code section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process: namely, whether the petitioned action is warranted or is not warranted. Here, with respect to the gray wolf, the Commission made the finding under section 2075.5(e)(2) that the petitioned action is warranted.

The Commission is guided in making this determination by the Fish and Game Code, CESA, other controlling law, and factual findings. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” Fish & G. Code, § 2062. As established by published appellate case law in California, the term “range” for purposes of CESA means the range of the species within California. *California Forestry Ass'n v. California Fish and Game Comm'n*, *supra*, 156 Cal.App.4th at 1540, 1549–1551. The Fish and Game Code, CESA, and other controlling law do not require a species to have a continuous presence or a breeding population in California in order to meet the definition of “endangered” or “threatened.”

The Commission is also guided in making its determination regarding the gray wolf by Title 14, section 670.1, subdivision (i)(1)(A), of the California Code of Regulations. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species' continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;

² Pursuant to this authority, standards, and procedures, the Commission may add, remove, uplist or downlist any plant or animal species to the list of endangered or threatened species, or notice that any such species is a candidate for related action under CESA upon acceptance of a listing petition. Fish & G. Code, § 2074.2(a)(2); see *also* Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A)–(C). In practical terms, any of these actions may be commonly referred to as subject to CESA's “listing” process.

5. Disease; or
6. Other natural occurrences or human-related activities.

Likewise, the Commission is guided in its determination regarding the gray wolf by Fish and Game Code section 2070. This section provides that the Commission shall add or remove species from the list it establishes under CESA upon receipt of sufficient information that the action is warranted. As the Commission's findings reflect, the gray wolf's continued existence in California is in serious danger due to multiple threats.

Furthermore, CESA provides policy direction indicating that all state agencies, boards, and commissions shall seek to conserve endangered species and threatened species and shall utilize their authority in furtherance of the purposes of CESA. Fish & G. Code, § 2055. This policy direction does not compel a particular determination by the Commission in the CESA listing context. Yet, the Commission made its determination regarding gray wolf mindful of this policy direction, acknowledging that "[l]aws providing for the conservation of natural resources' such as the CESA 'are of great remedial and public importance and thus should be construed liberally.'" *California Forestry Ass'n v. California Fish and Game Comm'n*, *supra*, 156 Cal.App.4th at 1545–1546 (citing *San Bernardino Valley Audubon Society v. City of Moreno Valley*, 44 Cal.App.4th 593, 601 (1996); Fish & G. Code, §§ 2051 and 2052).

Finally, in considering these factors, CESA and controlling regulation require the Commission to actively seek and consider related input from the public and any interested party. *See, e.g., id.* §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h). The related notice requirements and public hearing opportunities before the Commission are also considerable. Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5 and 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g) and (i); *see also* Gov. Code, § 11120 *et seq.* All of these requirements are in addition to those proscribed for the Department in the CESA listing process, including an initial evaluation of the Petition and a related recommendation regarding candidacy, and a 12-month status review of the candidate species culminating with a report and recommendation to the Commission as to whether listing is warranted. Fish & G. Code, §§ 2073.4, 2073.5, 2074.4 and 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f) and (h).

III. FACTUAL BASES FOR THE COMMISSION'S FINDING

CESA provides for the listing of either "native species or subspecies of a bird, mammal, fish, amphibian,

reptile, or plant." Fish and G. Code, §§ 2062 and 2067. The Petition, and the Commission's finding, applies to the gray wolf in California.

The factual bases for the Commission's finding that listing the gray wolf as an endangered species under CESA is warranted are set forth in detail in the Commission's administrative record of proceedings. Substantial evidence in the administrative record of proceedings in support of the Commission's determination includes, but is not limited to, the Petition, the Department's 2012 Candidacy Evaluation Report, the Department's 2014 Status Review, and other information presented to the Commission and otherwise included in the Commission's administrative record of proceedings as it existed up to and including the meeting in Fortuna, California on June 4, 2014. The Commission made its final determination under CESA with respect to the gray wolf at that meeting. Fish & G. Code, § 2075; Cal. Code Regs., tit. 14, § 670.1, subds. (g) and (i).

The Commission finds the substantial evidence supports the Commission's determination under CESA that the continued existence of gray wolf in the State of California is endangered by one or a combination of the following factors:

1. Overexploitation;
2. Predation;
3. Disease;
4. Other natural occurrences or human-related activities.

The Commission also finds that there is in the record of administrative proceedings substantial evidence to establish that designating the gray wolf as an endangered species under CESA is warranted. The following Commission findings highlight in more detail some but not all of the evidence in the administrative record of proceedings that support the Commission's determination that the gray wolf is in serious danger of becoming extinct throughout all, or a significant portion, of its range:

- 1 It is likely that wolves historically occurred in California and were widely distributed in the State. Status Review at 10 ("While limited the available information suggests that wolves were distributed widely in California, particularly in the Klamath–Cascade Mountains, North Coast Range, Modoc Plateau, Sierra Nevada, Sacramento Valley, and San Francisco Bay Area. The genetic evidence from southeastern California suggests that the Mexican wolf may have occurred in California, at least as dispersing individuals. While the majority of historical records are not verifiable, for the purposes of this status review, the Department concludes that the gray wolf likely occurred in much of the areas

- depicted” (CDFW 2011a) (Figure 1)); 2012 Candidacy Evaluation Report at 4 (“As to the science available at this time and the reasonable inferences that can be drawn from that information, it indicates to the Department at this time that wolves were likely broadly distributed in California historically”); *id.* at 10 (“In summary, historic anecdotal observations are most consistent with a hypothesis that wolves were not abundant, but widely distributed in California.”).
2. There is sufficient evidence to conclude that wolves occurred historically in California. However, by the late 1920s, the species was extirpated from the state. Status Review at 4 (2012 Candidacy Evaluation Report at 4) (“As to the science available at this time and the reasonable inferences that can be drawn from that information . . . humans likely purposefully extirpated the species in California early in the twentieth century.”)
 3. Following listing of the gray wolf under the federal Endangered Species Act in 1974 and recovery efforts during the 1990s, a population of gray wolves in the Northern Rocky Mountain states has been re-established through a federal recovery program, and dispersing wolves from this population have established territories and several packs in Washington and Oregon. 2014 Status Review at 28.
 4. In September 2011, a radio-collared, sub-adult gray wolf known as “OR7” dispersed from the Imnaha pack in northeastern Oregon and arrived in California on December 28, 2011, marking the first documented individual of the species in California since the 1920s. 2012 Candidacy Evaluation Report at 4 (“a single lone wolf, a dispersing young male named ‘OR7,’ entered California in December 2011, remaining largely in the State since that time”); *id.* at 10 (“The first gray wolf detected in California after many decades occurred in December 2011 with the arrival of ‘OR7,’ a radio-collared, sub-adult gray wolf that dispersed from a pack in Oregon.”); *id.* (“OR7 dispersed from the Northeastern Oregon’s Imnaha pack in September 2011.”)
 5. The gray wolf is once again present in California, on at least an intermittent basis, and foreseeably will continue to be present in California, as discussed below. OR7’s range now includes California and Oregon. OR7 has established a range that includes portions of Northern California, as this wolf is known to have crossed back and forth across the Oregon-California border since 2011 and to have been present in California in each of those years. Status Review at 4 (“The lone radio-collared gray wolf, OR7, dispersed from northeastern Oregon’s wolf population to California in December 2011 and has been near the Oregon/California border since that time, crossing back and forth.”); *id.* at 18 (“As far as the Department is aware, there is one gray wolf (OR7) that is near the Oregon/California border such that it may be in either state at any time.”); 2012 Candidacy Evaluation Report at 11 (“OR7 has passed back and forth over the California/Oregon border several times over the last five months”); California Department of Fish and Wildlife, Gray Wolf OR7: Updates on wolves migrating to California (available at <http://californiagraywolf.wordpress.com>); *see also* Oregon Department of Fish and Wildlife, OR-7 Timeline of Events (available at <http://www.dfw.state.or.us/wolves/OR-7.asp>) (documenting OR7’s presence in California in each of 2011, 2012, 2013, and 2014).
 6. OR7 has utilized areas of suitable habitat, primarily on public lands, comprised of ponderosa pine forests, mixed conifer forests, lava flows, sagebrush shrublands, juniper woodlands, as well as private lands including timberlands and agricultural lands, and has exhibited normal dispersal behavior for a young male gray wolf as he has sought to find other wolves, to establish his own pack, or to become part of an established wolf pack. 2012 Candidacy Evaluation Report at 10 (“It is believed that OR7 is exhibiting normal dispersal behavior for young male wolves, seeking to find other wolves, to establish his own pack, and/or to become part of an established wolf pack.”); *id.* at 11 (“OR7 has passed through ponderosa pine forests, mixed conifer forests, lava flows, sagebrush shrublands, juniper woodlands, and agricultural lands”); *id.* (“Although OR7 has used private lands (timberlands in particular), most of its route has traversed public lands.”).
 7. On June 4, 2014, the State of Oregon Department of Fish and Wildlife confirmed that OR7 had mated with a female wolf of unknown origin, and that the pair was denning with a litter of at least two pups on public land in southwestern Oregon. *See* Press Release, Oregon Department of Fish and Wildlife, Pups for wolf OR7 (June 4, 2014) (“Wolf OR7 and a mate have produced offspring in southwest Oregon’s Cascade Mountains, wildlife biologists confirmed this week.”); Comments of Pamela Flick, Defenders of Wildlife (June 4, 2014 Commission hearing) (reporting breaking news

- that a remote camera in southwestern Oregon has detected at least two pups).
8. As the gestation period for gray wolves is 62–63 days and OR7 was documented in northern California on February 5, 2014, it is likely that OR7’s mate was traveling with OR7 in California at the time. Status Review at 10 (“The gestation period for wolves is 62–63 days.”); Testimony of Amaroq Weiss, June 4, 2014 Commission Meeting (Powerpoint slides at 15) (“A breeding population is likely on the border right now and a pregnant female was likely present in California already this year.”); L.D. Mech & L. Boitani, editors. *Wolves: behavior, ecology, and conservation*. University of Chicago Press, Chicago, Illinois, USA (cited in 2012 Candidacy Evaluation Report and Status Review) (discussing in Chapter 2 the reproductive behavior of wolves, and how wolves spend many months together leading up to impregnation and gestation).
 9. The evidence in the record regarding wolf migration and dispersal behavior at a minimum indicates that wolves other than OR7 have similarly dispersed or will disperse to California, as most wolves from Oregon packs are not collared with radio transmitters and their presence in California may not otherwise have been detected (“we have acknowledged that we know of one [wolf, OR7]” and that “there could be others that we don’t know about”); U.S. Fish and Wildlife Service, Montana Fish, Wildlife & Parks, Nez Perce Tribe, National Park Service, Blackfoot Nation, Confederated Salish and Kootenai Tribes, Wind River Tribes, Washington Department of Wildlife, Oregon Department of Wildlife, Utah Department of Wildlife Resources, and USDA Wildlife Services. 2011. *Rocky Mountain Wolf Recovery 2010 Interagency Annual Report*. C.A. Sime and E. E. Bangs, eds. USFWS, Ecological Services, 585 Shepard Way, Helena, Montana. 59601. (2011) at 2 (noting that “it is difficult to locate lone dispersing wolves.”); Carroll (2013) (Peer Review) at 5–6 (“[n]ot all Oregon wolves are detected and collared” so “it is possible that not all wolves dispersing to California have been detected”). Petition at 15 (“... it is impossible to rule out the possibility that previous dispersal events to California may ... have occurred, which simply went un-detected because it is difficult to locate and track dispersing individual wolves”); Comments of Eric Loft (April 16, 2014 Commission Hearing).
 10. The presence of wolves in California is small and is likely to remain small for the foreseeable future. Eisenberg (2013) (Peer Review) at 2 (“Any wolves becoming established in California will initially constitute a small population.”).
 11. Dispersing wolves and small wolf populations are inherently at risk due to demographic and environmental stochasticity and in the case of wolves, of being killed by poachers, or hunters that mistake them for coyotes. Status Review at 5 (“A small population in California would be at some inherent risk although the species has demonstrated high potential to increase in other states. Dispersing individuals and small packs would likely be at highest risk due to population size.”); *id.* at 19 (“It is possible that a coyote hunter could mistake a gray wolf for a coyote, particularly at a long distance.”); *id.* at 22 (“With at least one gray wolf near the border of Oregon/California, and the knowledge that populations or species ranges are typically so large that they could range across both states . . . , an individual wolf, or a small number of wolves would be threatened in their ability to reproduce depending on the number and sex of the animals present in the range.”); 2012 Candidacy Evaluation Report at 6 (“Wolves are often confused with coyotes (*Canis latrans*) and domestic dogs (*C. lupus familiaris*), and wolf hybrids, which result from the mating of a wolf and a domestic dog.”).
 12. Despite losses of areas of the gray wolf’s historic range, in California, large tracts of habitat remain in the state that are sufficient to support a wolf population, particularly in the Modoc Plateau, Sierra Nevada, and Northern Coastal Mountains. Status Review at 17 (“Habitat Suitability Modeling: There are studies that have modeled potential suitable wolf habitat in California. Carroll (2001) modeled potential wolf occupancy in California using estimates of prey density, prey accessibility and security from human disturbance (road and human population density). Results suggested that areas located in the Modoc Plateau, Sierra Nevada, and the Northern Coastal Mountains could be potentially suitable habitat areas for wolves.
 13. Since entering California, there have been threats to harm or kill OR7 or other wolves found in the State. (See e.g. May 6, 2013 Center for Biological Diversity letter to Department of Fish and Wildlife, p.13.) Although many people are supportive of gray wolves as a component of wildland ecosystems, wolves are considered a threat to livestock and wild ungulates by many other people, and are considered a threat to people by some. For example, the administrative record

includes reports of statements by county supervisors from Modoc, Siskiyou, and Lassen counties expressing a desire to kill wolves in the area, a sentiment which represents an imminent threat to wolves that are dispersing to the state. Status Review at 4–5 (“It is believed that limiting human–caused mortality through federal protection has been one of the key reasons that recovery efforts in the northern Rocky Mountains were successful.”); *id.* at 18–19 (“Public perception of wolf attacks on people, the documented losses of livestock, and the sometimes photographed killing of livestock or big game, continues to influence human attitudes toward wolves.”); Lassen County Board of Supervisors Hearing (Feb. 21, 2012) (quoting Lassen County supervisor to CDFW spokesperson) (“If I see an animal in my livestock, I kill it. If I kill a wolf, you going to throw me in jail? I don’t care what it is.”) (from notes taken at board meeting by Amaroq Weiss, Center for Biological Diversity); Modoc County Board of Supervisors Meeting (quoting Modoc County Supervisor) (“If I see a wolf, it’s dead.”) (Modoc County Board of Supervisors January 24, 2012 Hearing, Audio Archive); Chair of the Siskiyou County Board of Supervisors (“People are pretty much at their wits’ end trying to make a living with all the environmental protections that are being foisted upon them” and “we would like to see [wolves] shot on sight”) (*Los Angeles Times* (Dec. 24, 2011)) (available at <http://articles.latimes.com/2011/dec/24/local/la-me-wolf-oregon-20111225>). The Commission considers these statements and others like them to be compelling evidence of a threat to the continued existence of the gray wolf in California. In a small early population of the species, loss of even one individual from human causes could significantly impact the ability of the species to thrive for years to come. CESA would criminalize such behavior in a more significant way than currently exists and act as a deterrent that may assist in allowing the early members of California’s gray wolf population to persist.

14. Humans are the primary factor in the past decline of wolves in the conterminous United States, including California, and humans remain the largest cause of wolf mortality as a whole in the western United States. Humans impact wolf populations through intentional predation (shooting or trapping) for sport or for protection; through unintentional killing, as gray wolves are

often confused with coyotes (*Canis latrans*), domestic dogs (*C. lupus familiaris*), and wolf hybrids; through vehicle collisions; and through exposures to diseases from domestic animals. For example, the administrative record demonstrates that on more than one occasion, staff from the California Department of Fish and Wildlife have been fearful that OR7 and other unknown wolves that could be in California would be mistaken for a coyote and shot or harmed. Limiting human–caused mortality through federal protection has been one of the key reasons that the recovery effort in the northern Rocky Mountains has been successful. Status Review at 4–5 (“It is believed that limiting human–caused mortality through federal protection has been one of the key reasons that recovery efforts in the northern Rocky Mountains were successful.”); *id.* at 19 (“Human–caused mortality of wolves is the primary factor that can significantly affect wolf populations (USFWS 2000, Mitchell et al. 2008, Murray et al. 2010, Smith et al. 2010)”); *id.* at 20.

15. Gray wolves are susceptible to several diseases including canine parvovirus and canine distemper, which has been responsible for extremely high rates of wolf pup mortality and suppression of wolf populations and which can be contracted from domestic dogs. Wolves are also susceptible to mange; mange–associated wolf population declines in Yellowstone National Park have led to pack extinction. Status Review at 23 (Wolves are vulnerable to a number of diseases and parasites, including, mange, mites, ticks, fleas, roundworm, tape worm, flatworm, distemper, parvovirus, cataracts, arthritis, cancer, ricketts, pneumonia, and Lyme disease.”); *id.* (“The transmission of disease from domestic dogs, e.g. parvovirus, is a grave conservation concern for recovering wolf populations (Paquet and Carbyn 2003; Smith and Almberg 2007). Recently, two wolves and two pups in Oregon were found to have died from parvovirus (ODFW 2013b). The disease is not thought to significantly impact large wolf populations, but it may hinder the recovery of small populations (Mech and Goyal 1993).”); *id.* (“Canine distemper and canine infectious hepatitis: Both diseases are known to occur in wolves and more recently canine parvovirus has become prevalent in several wolf populations (Brand et al. 1995)”); E.S. Almberg, P.C. Cross, A.P. Dobson, D.W. Smith and P.J. Hudson. 2012. Parasite invasion following host reintroduction: a case study of Yellowstone’s wolves.

Philosophical Transactions of the Royal Society Bulletin. 367, p. 2840–2851.”).

16. Listing the gray wolf under CESA will allow the species to benefit from CESA’s protections, and would further the intent of the Legislature and be consistent with the objectives of CESA, i.e., the conservation, protection, restoration, and enhancement of species in their range in California. Protecting the gray wolf under CESA will also strengthen the Department’s existing stakeholder process to develop a state wolf plan, by providing clarity as to the management tools and options that will be available to the Department and to stakeholders. Status Review at 33 (“If the gray wolf species is listed under CESA, it may increase the likelihood that State and Federal land and resource management agencies will allocate funds towards protection and recovery actions.”); Carroll (2013) (Peer Review) at 6 (“Rather than using a dubious interpretation of CESA to decline to list a species due to its temporary and uncertain absence from state, California should follow the example of Washington and Oregon in using the relevant state statutes to protect colonizing wolves while at the same time developing multi-stakeholder plans that proactively restore wolf conservation and management issues.”).

IV. FINAL DETERMINATION BY THE COMMISSION

The Commission has weighed and evaluated the evidence presented for and against designating the gray wolf as an endangered species under CESA. This information includes the Petition; the Department’s Petition Evaluation Report; the Department’s status review; the Department’s related recommendations; written and oral comments received from members of the public, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission’s record of proceedings. Based upon the evidence in the record the Commission has determined that the best information available indicates that the continued existence of the one or more gray wolves in California is in serious danger of extinction or threatened by present or threatened overexploitation, predation, disease, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.) The Commission determines that there is sufficient evidence in the record to indicate that designating the gray wolf as

an endangered species under CESA is warranted at this time and, with the adoption and publication of these findings and further proceedings under the California Administrative Procedure Act, the gray wolf shall be listed as endangered. See Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A).

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on October 8, 2014, received a petition from the Center for Biological Diversity to take emergency action to list the Tricolored blackbird (*Agelaius tricolor*) as endangered under the California Endangered Species Act.

The Tricolored blackbird was historically distributed throughout most of the Central Valley, adjacent foothills, coastal ranges and southern California. Habitat types required by this species include riparian, marsh, and agricultural fields. Tricolored blackbirds are medium-sized, nesting in dense colonies.

Pursuant to Section 2073 of the Fish and Game Code, the Commission has forwarded the petition to the California Department of Fish and Wildlife for its review and recommendation. The Commission will consider taking emergency action to list the Tricolored blackbird as an endangered species at its December 3, 2014, meeting in Van Nuys.

Interested parties may contact Ms. Helen Birss, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife, 1416 Ninth Street, Suite 1260, Sacramento, CA 95814, or telephone 916.653.9834, for information on the petition or to submit information to the Department relating to the petitioned species.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Mr. Bradley S. Winchell
 c/o Kent Scheidegger, Legal Director
 Criminal Justice Legal Foundation
 2131 L Street
 Sacramento, CA 95816

Dear Mr. Winchell:

DENIAL OF PETITION FOR REGULATION ON
EXECUTION OF CAPITAL PUNISHMENT BY
LETHAL INJECTION

Pursuant to Government Code section 11340.7, subdivision (a), this letter acknowledges receipt of your petition (enclosed), dated September 17, 2014, in which you seek adoption of a regulation pertaining to lethal injection, pursuant to Government Code section 11340.6. In your petition, you request the California Department of Corrections and Rehabilitation (CDCR) break up the policies contained in previously disapproved regulations, and move forward with an execution protocol dealing solely with San Quentin State Prison (SQ) under the “single prison” exception in Penal Code section 5058, subdivision (c)(1). You also request CDCR move forward with an execution protocol applying solely to an individual under the “single person” exception in Government Code section 11340.9, subdivision (i). CDCR is unable to proceed as requested and accordingly denies your petition in whole.

As you correctly point out, the court has ruled previous execution regulations were not “single prison” regulations for various reasons. (See *Morales v. CDCR* (2008) 168 Cal.App.4th 729.) Pursuant to that holding, we do not agree that we could draft an execution protocol applying only to SQ that would be the method by which CDCR would execute every condemned inmate in the state, notwithstanding the fact the executions would only take place at SQ. Under *Morales*, this makes it a regulation of general statewide application and the single prison exception would not apply.

You also request CDCR pursue a regulation under the “single person” exception. While that exception does apply to a single person, it also requires the regulation not apply generally throughout the state. (See Government Code section 11340.9, subdivision (i).) A regulation comprising an execution protocol that complies with all the complex legal requirements will not be amenable to change every time a new execution is scheduled. Such an execution protocol would not fall under the single person exception, as it must apply to every condemned person statewide. The plain language of the statute in which the exception is found bars any protocol that has general statewide application.

Pursuant to Government Code section 11340.7, subdivision (d), a copy of this denial and your petition shall be transmitted to the Office of Administrative Law, for publication in the California Regulatory Notice Register, as soon as practicable. Interested persons may obtain a copy of your petition from CDCR by sending a request to petitionrequest@cdcr.ca.gov.

Sincerely,

/s/

JUDILEMOS

Assistant General Counsel

Office of Legal Affairs

Enclosure

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Mr. Kermit Alexander
c/o Kent Scheidegger, Legal Director
Criminal Justice Legal Foundation
2131 L Street
Sacramento, CA 95816

Dear Mr. Alexander:

DENIAL OF PETITION FOR REGULATION ON
EXECUTION OF CAPITAL PUNISHMENT BY
LETHAL INJECTION

Pursuant to Government Code section 11340.7, subdivision (a), this letter acknowledges receipt of your petition (enclosed), received on September 17, 2014, in which you seek adoption of a regulation pertaining to lethal injection, pursuant to Government Code section 11340.6. In your petition, you request the California Department of Corrections and Rehabilitation (CDCR) break up the policies contained in previously disapproved regulations, and move forward with an execution protocol dealing solely with San Quentin State Prison (SQ) under the “single prison” exception in Penal Code section 5058, subdivision (c)(1). You also request CDCR move forward with an execution protocol applying solely to an individual under the “single person” exception in Government Code section 11340.9, subdivision (i). CDCR is unable to proceed as requested and accordingly denies your petition in whole.

As you correctly point out, the court has ruled previous execution regulations were not “single prison” regulations for various reasons. (See *Morales v. CDCR* (2008) 168 Cal.App.4th 729.) Pursuant to that holding, we do not agree that we could draft an execution protocol applying only to SQ that would be the method by which CDCR would execute every condemned inmate in the state, notwithstanding the fact the executions would only take place at SQ. Under *Morales*, this makes it a regulation of general statewide application and the single prison exception would not apply.

You also request CDCR pursue a regulation under the “single person” exception. While that exception does apply to a single person, it also requires the regulation not apply generally throughout the state. (See Government Code section 11340.9, subdivision (i).) A regula-

tion comprising an execution protocol that complies with all the complex legal requirements will not be amenable to change every time a new execution is scheduled. Such an execution protocol would not fall under the single person exception, as it must apply to every condemned person statewide. The plain language of the statute in which the exception is found bars any protocol that has general statewide application.

Pursuant to Government Code section 11340.7, subdivision (d), a copy of this denial and your petition shall be transmitted to the Office of Administrative Law, for publication in the California Regulatory Notice Register, as soon as practicable. Interested persons may obtain a copy of your petition from CDCR by sending a request to petitionrequest@cdcr.ca.gov.

Sincerely,
/s/

JUDILEMOS
Assistant General Counsel
Office of Legal Affairs
Enclosure

<p>SUMMARY OF REGULATORY ACTIONS</p>

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2014-0909-02
BOARD OF OCCUPATIONAL THERAPY
Applications, Renewals, Limited Permits

This rulemaking by the California Board of Occupational Therapy amends sections in Title 16 of the California Code of Regulations regarding license applications, renewals, limited permits, and expired license renewal requirements for occupational therapy practitioners. The action also clarifies other related application, renewal, and permit procedures.

Title 16
California Code of Regulations
AMEND: 4110, 4112, 4120, 4121, 4123, 4127
Filed 10/20/2014
Effective 01/01/2015
Agency Contact: Heather Martin (916) 263-2294

File# 2014-0923-02
BOARD OF PSYCHOLOGY
Supervised Professional Experience, Responsibilities of Supervisors

This action by the Board of Psychology (BOPS) makes changes without regulatory effect to sections 1387 and 1387.1 of title 16 of the California Code of Regulations. The purpose of this action is to revise an internal citation and correct punctuation.

Title 16
California Code of Regulations
AMEND: 1387, 1387.1
Filed 10/20/2014
Agency Contact: Taylor Hattersley (916) 574-7227

File# 2014-0915-01
DENTAL BOARD OF CALIFORNIA
Revocation for Sexual Misconduct

By this regulatory action, the Dental Board of California amends section 1018 of Title 16 of the California Code of Regulations to require an administrative law judge (ALJ) to order the revocation of a license if the proposed decision of the ALJ contains any finding of fact that the licensee engaged in any act of sexual contact with a patient, client, or customer or has been convicted of or committed a sex offense.

Title 16
California Code of Regulations
AMEND: 1018
Filed 10/22/2014
Effective 01/01/2015
Agency Contact: Michael Palencia (916) 263-2027

File# 2014-0905-02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Security Threat Groups

The Department of Corrections and Rehabilitation submitted this action to make permanent a pilot project pertaining to management, disciplinary actions, and housing of inmates and parolees found to be members, associates, or suspects of security threat groups, as specified. The proposed action adopts eight sections and amends 31 sections of title 15 of the California Code of Regulations, and adopts or amends 13 incorporated by reference forms.

Title 15
California Code of Regulations
ADOPT: 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 AMEND: 3000, 3023, 3043.4, 3044, 3077, 3139, 3269, 3269.1, 3314, 3315, 3321, 3323, 3334, 3335, 3341.5, 3375, 3375.2, 3375.3, 3376, 3376.1, 3377.2, 3378 (subs. (c)(6)-(c)(6)(G) re-numbered to 3378.2 (c)-(c)(7)),

3378.1 (re-numbered to 3378.5), 3378.2 (re-numbered to 3378.5(e)), 3378.3 (re-numbered to 3378.7), 3504, 3505, 3545, 3561, 3651, 3721
Filed 10/17/2014
Effective 10/17/2014
Agency Contact: Josh Jugum (916) 445-2228

File# 2014-1013-05
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture (“DFA”) will expand the quarantine area for the Asian Citrus Psyllid (“ACP”) *Diaphorina citri* in the Kern County area by approximately 35 square miles. This expansion of the quarantine area is in response to the identification of one adult female ACP in the Bakersfield area of Kern County on September 29, 2014, from a trap in the area. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this additional area. The total area under quarantine in the Bakersfield area of Kern County would then be approximately 148 square miles. The entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside, and Ventura, and portions of Fresno, Kern, San Luis Obispo, and Tulare counties are already under quarantine for ACP.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 10/17/2014
Effective 10/17/2014
Agency Contact: Sara Khalid (916) 654-1017

File# 2014-1015-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action will expand the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 99 square miles in Santa Clara County in the San Jose area. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and a portion of Fresno, Kern and Tulare counties that are already under quarantine for the ACP, totaling approximately 50,917 square miles.

Title 3
California Code of Regulations
AMEND: 3435
Filed 10/17/2014
Effective 10/17/2014
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2014-0911-01
DEPARTMENT OF INSURANCE
Producer Prelicensing and Continuing Education

The Department of Insurance adopted sections 2187.31 and 2218.10 and amended sections 2186, 2186.1, 2187, 2187.1, 2187.2, 2187.3, 2187.4, 2187.5, 2187.6, 2187.7, 2188, 2188.1, 2188.2, 2188.2.5, 2188.3, 2188.4, 2188.5, 2188.5.5, 2188.50, 2188.6, 2188.65, 2188.7, 2188.8, and 2188.9 of title 10 of the California Code of Regulations regarding producer prelicensing and continuing education.

Title 10
California Code of Regulations
ADOPT: 2187.31, 2188.10 AMEND: 2186, 2186.1, 2187, 2187.1, 2187.2, 2187.3, 2187.4, 2187.5, 2187.6, 2187.7, 2188, 2188.1, 2188.2, 2188.25, 2188.3, 2188.4, 2188.5, 2188.5.5, 2188.50, 2188.6, 2188.65, 2188.7, 2188.8, 2188.9
Filed 10/22/2014
Effective 02/19/2015
Agency Contact: Risa Salat-Kolm (415) 538-4127

File# 2014-0911-05
DEPARTMENT OF MOTOR VEHICLES
Administrative Fee for Vehicle Code Book

Vehicle Code section 1656, requires the Department of Motor Vehicles to publish the complete text of the California Vehicle Code once every two years and to distribute it at a cost sufficient to pay the entire cost of publishing and distribution.

This change will adjust the fee of the Vehicle Code Book from ten dollars to sixteen dollars. The change is exempt from the APA under section 11340.9(g), and DMV has filed it with OAL as a File & Print.

Title 13
California Code of Regulations
AMEND: 425.01
Filed 10/22/2014
Effective 01/01/2015
Agency Contact: Randi Calkins (916) 657-8898

File# 2014-0929-02
FAIR POLITICAL PRACTICES COMMISSION
Material Financial Effect on a Real Property

This change without regulatory effect filing by the Fair Political Practices Commission (FPPC) amends

the FPPC’s existing regulation governing material financial effect on a real property in order to correct a grammatical error and an internal citation.

Title 2
 California Code of Regulations
 AMEND: 18705.2
 Filed 10/20/2014
 Agency Contact:
 Virginia Latteri–Lopez (916) 322–5660

File# 2014–0923–03
WORKERS’ COMPENSATION APPEALS BOARD
WCAB Rules of Practice and Procedure

This rulemaking action by the Workers’ Compensation Appeals Board (WCAB) adopts eighteen sections, amends thirteen sections, and repeals twenty six sections of its Rules of Practice and Procedure contained in Title 8 of the California Code of Regulations. This regulatory action is exempt from review by the Office of Administrative Law pursuant to section 11351 of the Government Code.

Title 8
 California Code of Regulations
 ADOPT: 10390, 10391, 10392, 10393, 10414, 10416, 10417, 10470, 10548, 10549, 10552, 10555, 10563, 10563.1, 10592, 10760, 10995, 10996
 AMEND: 10397, 10561, 10593, 10740, 10750, 10751, 10753, 10754, 10755, 10770, 10770.1, 10845, 10957.1 REPEAL: 10213, 10241, 10246, 10253, 10256, 10294, 10227, 10230, 10233, 10236, 10240, 10243, 10244, 10250, 10251, 10252, 10254, 10260, 10272, 10275, 10280, 10281, 10295, 10296, 10561.5, 10958
 Filed 10/15/2014
 Effective 01/01/2015
 Agency Contact: Rick Dietrich (415) 703–4554

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 21, 2014 TO
 October 22, 2014**

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

Title 2
 10/20/14 AMEND: 18705.2
 10/17/14 AMEND: 3435
 10/17/14 AMEND: 3435(b)
 10/13/14 AMEND: 599.615, 599.615.1, 599.616, 599.616.1, 599.619, 599.621, 599.622, 599.623, 599.624, 599.624.1, 599.625, 599.625.1, 599.626, 599.626.1, 599.627, 599.627.1, 599.628, 599.628.1, 599.629, 599.629.1, 599.630, 599.631, 599.633, 599.633.1, 599.634, 599.635, 599.635.1, 599.636, 599.636.1, 599.637, 599.638, 599.638.1, 599.640, 599.641, 599.642, 599.643, 599.644, 599.645, 599.646, 599.647, 599.648, 599.649, 599.650, 599.651, 599.652, 599.655, 599.656, 599.657, 599.658, 599.659, 599.660, 599.661, 599.662, 599.663, 599.664, 599.665, 599.666, 599.666.1, 599.667, 599.668, 599.669, 599.670, 599.671, 599.672, 599.672.1, 599.673, 599.674, 599.675, 599.676, 599.676.1, 599.677, 599.678, 599.679, 599.680, 599.681, 599.682, 599.683, 599.684, 599.685, 599.686, 599.687, 599.688, 599.689, 599.690, 599.691, 599.700, 599.701, 599.702, 599.703, 599.703.1, 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, 599.710, 599.711, 599.714, 599.714.1, 599.715, 599.715.1, 599.716, 599.716.1, 599.717, 599.717.1, 599.718, 599.718.1, 599.719, 599.719.1, 599.720, 599.720.1, 599.721, 599.722, 599.723, 599.723.1, 599.723.2, 599.724, 599.724.1, 599.725, 599.726, 599.727, 599.728, 599.729, 599.730, 599.731, 599.732, 599.733, 599.734, 599.736, 599.737, 599.737.5, 599.738, 599.739, 599.739.1, 599.739.2, 599.740, 599.741, 599.742, 599.742.1, 599.743, 599.744, 599.745, 599.745.1, 599.746, 599.747, 599.748, 599.749, 599.750, 599.751, 599.752, 599.752.1, 599.752.2, 599.752.3, 599.753, 599.754, 599.770, 599.771, 599.772, 599.773, 599.774, 599.775, 599.776, 599.776.1, 599.777, 599.778, 599.779, 599.779.1, 599.779.2, 599.779.3, 599.779.4, 599.779.5, 599.779.6, 599.779.7, 599.780, 599.781, 599.782, 599.783, 599.784, 599.785, 599.785.5, 599.786, 599.787, 599.788, 599.789, 599.790, 599.791, 599.792.5, 599.793, 599.794, 599.795, 599.796, 599.796.1, 599.797, 599.798, 599.800, 599.801, 599.802, 599.803, 599.804,

	599.805, 599.806, 599.807, 599.808, 599.809, 599.810, 599.815, 599.817, 599.818, 599.819, 599.825, 599.826, 599.827, 599.828, 599.830, 599.831, 599.832, 599.833, 599.834, 599.835, 599.836, 599.837, 599.854, 599.854.1, 599.854.2, 599.854.3, 599.854.4, 599.856, 599.857, 599.858, 599.859, 599.866, 599.867, 599.868, 599.870, 599.873, 599.874, 599.876, 599.877, 599.880, 599.881, 599.882, 599.883, 599.888, 599.893, 599.910, 599.911, 599.912, 599.913, 599.920.5, 599.920.6, 599.921, 599.922, 599.922.1, 599.922.2, 599.922.3, 599.923, 599.924, 599.924.5, 599.925, 599.925.1, 599.925.5, 599.926, 599.927, 599.929, 599.930, 599.931, 599.933, 599.934, 599.935, 599.936, 599.937, 599.937.1, 599.937.2, 599.937.3, 599.937.4, 599.939, 599.940, 599.941, 599.942, 599.943, 599.944, 599.946, 599.947, 599.950, 599.951, 599.952, 599.953, 599.954, 599.955, 599.956, 599.957, 599.958, 599.959, 599.960, 599.961, 599.962, 599.963, 599.964, 599.965, 599.966, 599.985, 599.986, 599.987, 599.988, 599.990, 599.992, 599.993, 599.994, 599.995		to 2980.6(b)), 2980.5(b) (Renumbered to 2980.6(c)), 2980.5(c) (Renumbered to 2980.6(d)), 2980.6 (Renumbered to 2980.7), 2980.7(a) (Renumbered to 2980.8(a) and 2980.8(b)), 2980.7(b) (Renumbered to 2980.9(a)), 2980.7(c) (Renumbered to 2980.9(b)), 2980.8 (Renumbered to 2980.10), 2980.9 (Renumbered to 2980.12)
		08/19/14	AMEND: 1859.90.2, 1859.90.3, 1859.193, 1859.197
		08/12/14	ADOPT: 18700.3 AMEND: 18438.5 REPEAL: 18703.1
		08/12/14	ADOPT: 649.24 AMEND: 649, 649.4, 649.8, 649.26, 649.29, 649.32, 649.40, 649.43
		08/07/14	ADOPT: 18422, 18422.5 AMEND: 18215, 18427.1 REPEAL: 18412
		07/30/14	AMEND: 679
		07/14/14	AMEND: 549
		05/30/14	REPEAL: 649.56
		05/29/14	AMEND: 22600, 22600.1, 22600.2, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.3, 22601.4, 22601.7 REPEAL: 22601.1
		Title 3	
		10/17/14	AMEND: 3435
		10/17/14	AMEND: 3435(b)
		10/14/14	AMEND: 3435(b)
		09/25/14	AMEND: 3435 (b)
		09/17/14	AMEND: 3435(b)
		09/15/14	AMEND: 3435(b)
		09/04/14	AMEND: 3700(b)
		08/25/14	AMEND: 3435(b)
		08/25/14	AMEND: 6800
		08/18/14	ADOPT: 3162
		08/06/14	AMEND: 6000, 6196, 6400, 6624 REPEAL: 6446, 6446.1
		08/05/14	REPEAL: 3277
		07/22/14	AMEND: 3591.13(a)
		07/10/14	AMEND: 3424
		06/27/14	AMEND: 1430.142
		06/24/14	AMEND: 3435(b)
		06/17/14	AMEND: 3435(b)
		06/02/14	AMEND: 3435(b)
		Title 4	
		10/06/14	ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129
		09/17/14	AMEND: 1658, 1656
		09/15/14	AMEND: 1844
		09/08/14	ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
		09/08/14	AMEND: 1536
09/25/14	AMEND: 18438.5		
09/09/14	ADOPT: 599.839, 599.844.1, 599.844.2, 599.848, 599.849, 599.968, 599.969, 599.970, 599.971, 599.972, 599.973, 599.974, 599.975, 599.976, 599.977, 599.978, 599.979 AMEND: 599.600, 599.601, 599.602, 599.603, 599.604, 599.605, 599.606, 599.607, 599.608, 599.609, 599.610, 599.840, 599.841, 599.850 REPEAL: 599.842, 599.843, 599.844, 599.845, 599.846, 599.847, 599.849, 599.978, 599.979, 599.980		
09/09/14	ADOPT: 4.5, 54.2, 56, 249 AMEND: 37, 53.2, 151.3, 151.5, 153, 171, 174, 174.6, 174.8, 176, 185, 187, 188, 190, 194, 195, 196, 197, 197.5, 199, 199.1, 200, 203, 203.1, 203.7, 205, 206, 207, 211, 213.4, 213.5, 232, 234, 235, 239, 241, 264, 265, 266, 266.1, 266.2, 266.3, 282, 302.2, 302.3, 303, 500, 501, 502, 503, 504, 505, 506, 511, 512, 513, 547.54, 547.55, 547.56 REPEAL: 8, 172.1, 172.3, 172.4, 172.5, 172.6, 172.7, 172.8, 172.9, 172.10, 172.11, 201, 458, 470, 470.1, 471, 471.1, 472		
08/25/14	ADOPT: 2980.5, 2980.11 AMEND: 2980.1, 2980.3, 2980.5(a) (Renumbered		

08/13/14	AMEND: 7051, 7052, 7057, 7058, 7059, 7065, 7066, 7068	19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846, 19846.1, 19847, 19848, 19849, 19850, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855
08/13/14	AMEND: 7030, 7031, 7036, 7037, 7038, 7044, 7045, 7047	
08/06/14	ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15	
08/06/14	ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24	
08/05/14	ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129	
07/10/14	ADOPT: 5600, 5610, 5620, 5630, 5640 AMEND: 5000, 5144, 5170, 5200, 5205, 5230, 5240, 5255, 5350, 5370	
06/30/14	AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036	
06/18/14	AMEND: 12505	
06/18/14	AMEND: 8070, 8072	
06/16/14	AMEND: 4001 ADOPT: 4002.9	
06/13/14	AMEND: 8034	
06/11/14	ADOPT: 12387 AMEND: 12360, 12386	
06/09/14	ADOPT: 4402, 4403, 4496, 4496.1, 4496.2, 4496.3, 4496.4, 4496.5, 4496.6	
Title 5		
10/07/14	REPEAL: 19839	
09/10/14	AMEND: 80037	
09/08/14	AMEND: 55518	
08/27/14	REPEAL: 11968.5	
08/27/14	ADOPT: 853.7 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868	
08/25/14	ADOPT: 15498, 15498.1, 15498.2, 15498.3	
08/25/14	ADOPT: 12030, 12031, 12032, 12033, 12034, 12035, 12036, 12037, 12038, 12039, 12040, 12041, 12042, 12043, 12044	
07/28/14	ADOPT: 15494, 15495, 15496, 15497	
07/23/14	AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868	
07/11/14	ADOPT: 80693, 80694	
06/26/14	ADOPT: 9517.3	
06/13/14	ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1,	
Title 8		
10/15/14	ADOPT: 10390, 10391, 10392, 10393, 10414, 10416, 10417, 10470, 10548, 10549, 10552, 10555, 10563, 10563.1, 10592, 10760, 10995, 10996 10770 AMEND: 10397, 10561, 10593, 10740, 10750, 10751, 10753, 10754, 10755, 10770.1, 10845, 10957.1 REPEAL: 10213, 10241, 10246, 10253, 10256, 10294, 10227, 10230, 10233, 10236, 10240, 10243, 10244, 10250, 10251, 10252, 10254, 10260, 10272, 10275, 10280, 10281, 10295, 10296, 10561.5, 10958	
10/02/14	AMEND: 1903	
09/30/14	AMEND: 9792.5.1	
09/23/14	AMEND: 9789.32	
09/17/14	AMEND: 10205.13	
09/15/14	AMEND: 10205.14	
08/27/14	ADOPT: 9767.5.1, 9767.16.5, 9767.17, 9767.17.5, 9767.18, 9767.19 AMEND: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15, 9767.16	
08/25/14	AMEND: 3314	
07/31/14	AMEND: 4542	
07/31/14	ADOPT: 5120	
07/10/14	ADOPT: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315,	

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 44-Z

	32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997	09/02/14	REPEAL: 5.6000; 5.6000.5; 5.6001; 5.6002; 5.6003; 5.6004; 5.6005; 5.6006; 5.6007; 5.6100; 5.6101; 5.6102; 5.6110; 5.6111; 5.6112; 5.6113; 5.6114; 5.6115; 5.6117; 5.6130; 5.6131; 5.6140; 5.6141; 5.6150; 5.6151; 5.6152; 5.6153; 5.6160; 5.6161; 5.6162; 5.6163; 5.6164; 5.6170; 5.6171; 5.6180; 5.6181; 5.6182; 5.6183; 5.6190; 5.6191; 5.6192; 70.1; 70.2; 70.3; 70.4; 70.5; 70.6; 70.7; 70.8; 70.9; 70.100; 70.125; 70.126; 70.128; 70.150; 70.151; 70.152; 70.153; 70.154; 70.155; 70.156; 70.157; 70.158; 70.159; 70.160; 70.161; 70.161.5; 70.162; 70.163; 70.164; 70.165; 70.166; 70.167; 70.168; 70.169; 70.170; 70.171; 70.172; 70.173; 70.174; 70.175; 70.176; 70.177; 70.178; 70.179; 70.180; 70.181; 70.182; 70.183; 70.184; 70.185; 70.186; 70.188; 70.189; 70.190; 70.4000; 70.4100; 70.4101; 70.4102; 70.4103; 70.4104; 70.4105; 70.4106; 70.4107; 70.4108; 70.4109; 70.4110; 70.4111; 70.4112; 70.4113; 70.4114; 70.4115; 70.4117; 70.4118; 70.4119; 70.4120; 70.4121; 70.4123; 70.4124; 70.4125; 70.4126; 70.4127; 70.4200; 70.4201; 70.4202; 70.4300; 70.4301; 70.4302; 70.4306; 70.4307; 70.4308; 70.4309; 70.4310; 70.4311; 70.4312; 70.6000; 70.6100; 70.6101; 70.6200; 70.6201; 70.6300; 70.6301; 70.6302; 70.6303; 70.6304; 70.7000; 70.7001; 70.7002; 70.8000; 70.8001; 70.8002; 70.8050; 70.8051; 70.8052; 70.8053; 70.8054; 70.8055; 70.8056; 70.8057; 70.8058; 70.8059; 70.8060; 70.8061; 70.8062; 70.8100; 70.8101; 70.8102; 70.8103; 70.8104; 70.8105; 70.8106; 70.8107; 70.8108; 70.8200; 70.8201; 70.8203; 70.8205; 70.8206; 70.9000; 70.9001; 70.9002
06/24/14	AMEND: 5155		
06/03/14	AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.37, 9789.39		
06/02/14	AMEND: 5605		
05/30/14	ADOPT: 13660, 13660.1, 13661, 13662, 13663, 13663.5, 13664, 13665, 13665.5, 13666, 13666.1, 13666.2, 13666.5, 13667, 13667.1, 13667.40 REPEAL: 13660, 13661, 13662		
05/29/14	AMEND: 1598, 1599		
Title 9			
09/29/14	AMEND: 4210		
08/12/14	AMEND: 531, 532, 532.1, 532.2, 532.3, 532.4, 532.5, 532.6, 533, 534, 535		
07/29/14	AMEND: 1840.205, 1850.325		
06/23/14	AMEND: 4500		
Title 10			
10/22/14	ADOPT: 2187.31, 2188.10 AMEND: 2186, 2186.1, 2187, 2187.1, 2187.2, 2187.3, 2187.4, 2187.5, 2187.6, 2187.7, 2188, 2188.1, 2188.2, 2188.25, 2188.3, 2188.4, 2188.5, 2188.5.5, 2188.50, 2188.6, 2188.65, 2188.7, 2188.8, 2188.9		
10/02/14	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538		
10/02/14	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	09/02/14	ADOPT: 6800, 6802, 6804, 6806
10/02/14	ADOPT: 6462	09/02/14	ADOPT: 6424, 6440
09/30/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620	08/28/14	AMEND: 2498.6
		08/21/14	AMEND: 2498.5
		08/18/14	ADOPT: 8000, 8010, 8020, 8030, 8070 (re-numbered to 8040) REPEAL: 8040, 8050, 8060
		08/14/14	AMEND: 2548.3, 2548.19, 2548.21, 2548.24, 2548.25
09/17/14	ADOPT: 6464	08/13/14	AMEND: 250.9, 250.10, 250.11, 250.15, 250.60, 250.61, 260.100.1, 260.100.3, 260.102.8, 260.102.14, 260.102.16, 260.102.19, 260.103.6, 260.105.33,
09/03/14	ADOPT: 6420, 6422		
09/02/14	ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552		

	260.110, 260.131, 260.140.71.2, 260.141.50, 260.146, 260.151, 260.165, 260.241, 260.302, 260.507, 260.608, 260.608.2, 280.100, 280.150, 280.152, 280.153, 280.200, 280.250, 280.300, 280.400, 310.002, 310.100.2, 310.101, 310.106, 310.156.1, 310.156.2, 310.156.3, 310.303, 310.304, 1436, 1454, 1718, 1723, 1726, 1787.1, 1799, 1805.204.1, 1950.122.2, 1950.122.4, 1950.204.3, 1950.206, 1950.314.8, 2030	06/16/14 ADOPT: 6458
	REPEAL: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10	06/16/14 AMEND: 2699.200, 2699.207
07/31/14	ADOPT: 6456	06/10/14 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400
07/23/14	ADOPT: 10.190500, 10.190501	06/04/14 AMEND: 2698.401
07/21/14	ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670	06/02/14 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
07/17/14	ADOPT: 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1606.1, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618 AMEND: 1550	05/21/14 ADOPT: 6460
	REPEAL: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596	Title 11
07/01/14	ADOPT: 6800, 6802, 6804, 6806	09/17/14 ADOPT: 51.29
06/30/14	AMEND: 2705, 2710, 2713, 2718, 2725.5, 2729, 2729.5, 2731, 2742, 2743, 2746, 2752, 2758.4, 2758.5, 2761, 2763, 2790, 2790.8, 2791, 2792.1, 2792.2, 2792.18, 2792.32, 2793, 2795, 2799.2, 2801.5, 2806, 2807.4, 2809, 2809.1, 2809.3, 2810.5, 2831, 2840, 2842, 2845, 2846, 2846.7, 2846.8, 2847, 2847.3, 2848, 2849.01, 2851, 2860, 2910, 2911, 2912, 2922, 2930, 2940, 2945.2, 2945.4, 2963, 3000, 3002, 3004, 3006, 3007, 3007.2, 3007.6, 3009, 3013, 3100, 3101, 3104, 3106, 3107	08/28/14 AMEND: 1001, 1057, 1058
06/30/14	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538	08/11/14 AMEND: 999.121, 999.129, 999.133, 999.137, 999.141, 999.143, 999.144, 999.145, 999.146, 999.165, 999.166, 999.168, 999.171, 999.172, 999.173, 999.174, 999.176, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.195, 999.203, 999.204, 999.206, 999.207, 999.209, 999.210, 999.211, 999.217, 999.219, 999.220, 999.221, 999.223
06/30/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620	06/11/14 AMEND: 1005, 1007, 1008
06/26/14	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	06/05/14 AMEND: 1005, 1007, 1008, 1052
06/26/14	ADOPT: 2696.20, 2696.22, 2696.24, 2696.26, 2696.28, 2696.30, 2696.32	05/29/14 AMEND: 48.6
06/19/14	AMEND: 2698.200	Title 13
06/18/14	AMEND: 2698.602	10/22/14 AMEND: 425.01
		10/08/14 ADOPT: 2428
		09/24/14 AMEND: 156.00, 156.01
		09/15/14 AMEND: 1233
		09/15/14 AMEND: 2030, 2031
		07/10/14 AMEND: 1962.1, 1962.2
		06/26/14 AMEND: 550.10, 551, 551.1, 551.6, 553.40, 583, 598
		06/25/14 AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22, 28.23
		06/19/14 REPEAL: 28.22
		06/09/14 AMEND: 1160.1, 1160.2, 1160.4
		Title 14
		10/13/14 AMEND: 200.12, 200.29, 200.31
		10/13/14 AMEND: 163, 164
		10/08/14 AMEND: 18720
		09/29/14 ADOPT: 17225.821, 17225.822, 17225.850, 17357, 17358, 17359, 18420.1, 18431.1, 18431.2, 18431.3, 18450(a)(25) AMEND: 17346, 17350, 17351, 17352, 17353, 17354, 17355, 17356, 18420, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18431, 18432, 18433, 18450(a)(1), 18450(a)(6), 18450(a)(8), 18450(a)(10), 18450(a)(11), 18450(a)(15),

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 44-Z

	18450(a)(16),	18450(a)(17),	05/22/14	AMEND: 165
	18450(a)(18),	18450(a)(19),	05/21/14	AMEND: 360
	18450(a)(21),	18450(a)(24),	Title 15	
	18450(a)(25),	18450(a)(26),	10/17/14	ADOPT: 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8
	18450(a)(27),	18450(a)(28),		AMEND: 3000, 3023, 3043.4, 3044, 3077, 3139, 3269, 3269.1, 3314, 3315, 3321, 3323, 3334, 3335, 3341.5, 3375, 3375.2, 3375.3, 3376, 3376.1, 3377.2, 3378 (subds. (c)(6)–(c)(6)(G) re–numbered to 3378.2(c)–(c)(7)), 3378.1 (re–numbered to 3378.5), 3378.2 (re–numbered to 3378.5(e)), 3378.3 (re–numbered to 3378.7), 3504, 3505, 3545, 3561, 3651, 3721
	18450(a)(29),	18450(a)(30),	10/09/14	AMEND: 100, 101, 102, 103, 130, 131, 132, 171, 176, 179, 180, 181, 184, 185, 235, 260, 261, 262, 263, 291, 292, 295, 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 317, 318, 319, 351, 352, 353, 354, 355, 356, 357, 358
	18450(a)(31),	18450(a)(32),	10/08/14	ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1
	18450(a)(33),	18450(a)(34),	10/02/14	ADOPT: 3410.1 AMEND: 3173.2
	18450(a)(35),	18450(a)(36),	09/18/14	AMEND: 3290, 3315
	18450(a)(37),	18450(a)(38),	09/17/14	AMEND: 3043
	18450(a)(39), 18450(a)(40), 18456.4, 18459, 18460.1.1, 18460.2, 18461, 18462		08/27/14	ADOPT: 3750, 3751, 3752, 3753, 3754, 3756, 3760, 3761, 3761.1, 3762, 3763, 3764, 3765, 3766 AMEND: 3000, 3075.2, 3768.2, 3768.3
09/29/14	AMEND: 670.2		08/14/14	ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857
09/22/14	AMEND: 18660.40		07/22/14	AMEND: 3044, 3190, 3315
09/03/14	AMEND: 502		07/17/14	ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1, 3521.2, 3545, 3800.2 REPEAL: 3620, 3625, 3999.14
08/29/14	AMEND: 300		07/07/14	ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
08/25/14	AMEND: 7.50		06/02/14	AMEND: 3000, 3075.1, 3076.4, 3269, 3357
08/21/14	AMEND: 7.00, 7.50, 8.00		Title 16	
08/12/14	AMEND: 632		10/22/14	AMEND: 1018
08/11/14	ADOPT: 550, 550.5, 551, 630 AMEND: 552, 703 REPEAL: 550, 551, 553, 630			
08/07/14	AMEND: 13055			
08/04/14	AMEND: 228			
07/31/14	AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34			
07/10/14	AMEND: 791.7			
07/08/14	AMEND: 7.50			
07/02/14	ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307			
06/27/14	ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788			
06/25/14	AMEND: 28.20			
06/23/14	AMEND: 360, 361, 362, 363, 364			
06/19/14	AMEND: 916.2, 936.2, 956.2			
06/11/14	ADOPT: 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9, 923.9.1, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9, 963.9.1 AMEND: 895.1, 914.7, 914.8, 915.1, 916.3, 916.4, 916.9, 934.7, 934.8, 935.1, 936.3, 936.4, 936.9, 954.7, 954.8, 955.1, 956.3, 956.4, 956.9, 1034, 1051.1, 1090.5, 1090.7, 1092.09, 1093.2, 1104.1 REPEAL: 918.3, 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9.1, 938.3, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 958.3, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9			
06/11/14	AMEND: 3550.8			

10/20/14	AMEND: 1387, 1387.1	95852.1.1, 95852.2, 95853, 95856,
10/20/14	AMEND: 4110, 4112, 4120, 4121, 4123, 4127	95857, 95870, 95890, 95891, 95892, 95893, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95942, 95970, 95971, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95982, 95983, 95984, 95985, 95986, 95987, 95990, 96022
09/16/14	ADOPT: 1887, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0, 1887.15 AMEND: 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14	
09/10/14	AMEND: 2285	
09/02/14	ADOPT: 2064, 2066, 2066.1 AMEND: 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.8.3, 2065.9	
08/28/14	AMEND: 1399.99.2	
08/21/14	AMEND: 2526, 2581	
08/19/14	ADOPT: 2403	
08/18/14	AMEND: 1150	
08/13/14	AMEND: 1399.621	
07/30/14	ADOPT: 4146.5, 4147.5 AMEND: 4101, 4147	
08/04/14	ADOPT: 1107	
07/30/14	ADOPT: 4146.5, 4147.5 AMEND: 4101, 4147	
07/30/14	AMEND: 1399.15	
07/23/14	ADOPT: 1441 AMEND: 1403, 1444.5	
07/10/14	ADOPT: 2010.2, 2014.1 AMEND: 2002, 2009, 2010, 2010.1, 2014, 2015, 2015.1, 2068.6, 2071 REPEAL: 2062	
07/07/14	AMEND: 3363.1, 3363.2, 3363.3, 3363.4	
06/23/14	AMEND: 3394.2, 3394.3, 3394.4	
06/16/14	AMEND: 419, 3061, 3064	
06/11/14	AMEND: 1240, 1241, 1242, 1246 REPEAL: 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291	
05/21/14	AMEND: 3340.29	
Title 17		
10/13/14	AMEND: 2606.4	
09/17/14	AMEND: 94501, 94506, 94508, 94509, 94512, 94513, 94515, 94520, 94521, 94522, 94523, 94524, 94525, 94526, 94528, 94700 REPEAL: 94560, 94561, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94569, 94570, 94571, 94572, 94573, 94574, 94575	
08/21/14	REPEAL: 60040, 60041, 60042, 60043, 60044, 60045, 60046, 60047, 60048, 60049, 60050, 60051, 60052, 60053	
06/27/14	AMEND: 6540	
06/26/14	ADOPT: 95894, 95895, 95923, 95979.1, AMEND: 65802, 95811, 95812, 95813, 95814, 95830, 95831, 95832, 95833, 95834, 95841.1, 95851, 95852,	
Title 18		
09/29/14	AMEND: 1684	
09/25/14	ADOPT: 1525.4	
08/21/14	AMEND: 133	
07/31/14	AMEND: 1802	
06/18/14	AMEND: 4902	
06/11/14	AMEND: 1655	
06/05/14	REPEAL: 1525.2, 1525.3	
Title 19		
10/08/14	AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2740.1, 2745.1, 2745.2, 2745.3, 2745.6, 2745.7, 2745.10, 2745.10.5, 2750.2, 2750.3, 2750.4, 2750.7, 2755.2, 2755.3, 2755.4, 2755.5, 2755.6, 2755.7, 2760.1, 2760.2, 2760.5, 2760.6, 2760.7, 2760.8, 2760.9, 2760.12, 2765.1, 2765.2, 2770.2, 2770.5, 2775.2, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7 and Appendix A	
08/28/14	ADOPT: 902.2, 905.1, 906.3, 907, 908 AMEND: 901, 903.1, 903.2, 904, 904.1, 904.2, 905, 905.1 (renumbered to 905.2), 905.2 (renumbered to 905.3), 906.1, 906.2, 906.3 (renumbered to 906.4)	
06/24/14	AMEND: 208	
Title 20		
09/02/14	AMEND: 1682(c)	
08/28/14	AMEND: 2901, 2908, 2913	
Title 21		
07/08/14	AMEND: 6612(c), 6613.3, 6613.4, 6633(d), 6633.5, 6645.1(b), 6731(c)	
Title 22		
10/14/14	ADOPT: 65530, 65534, 65540, 65546 AMEND: 65501, 65503, 65511, 65521, 65523, 65525, 65527, 65529, 65531, 65533, 65535, 65537, 65539, 65541, 65545, 65547, 65551 REPEAL: 65505, 65507, 65509, 65543, 65549	
10/08/14	AMEND: 51051, 51135 REPEAL: 51221, 51222	
09/15/14	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7,	

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 44-Z

	66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75		13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered 30)
09/04/14	AMEND: 97215, 97225, 97226, 97227, 97228, 97229, 97231, 97244, 97247, 97248, 97258, 97259, 97260, 97261, 97264		REPEAL: 23, 24, 25, 27
08/18/14	AMEND: 51305	07/02/14	ADOPT: 3979.7
08/18/14	AMEND: 51309, 51331	06/09/14	AMEND: 3939.7, 3939.11
08/05/14	AMEND: 97232	06/03/14	ADOPT: 3929.11
08/05/14	AMEND: 97234, 97267	06/02/14	ADOPT: 877, 878, 878.1, 878.2, 879, 879.1, 879.2
07/21/14	ADOPT: 20100.5	05/22/14	ADOPT: 3929.12
06/25/14	AMEND: 51341.1	Title 27	
06/18/14	ADOPT: 60301.050, 60301.080, 60301.180, 60301.190, 60301.370, 60301.390, 60301.450, 60301.455, 60301.575, 60301.625, 60301.670, 60301.680, 60301.685, 60301.690, 60301.705, 60301.770, 60301.780, 60301.810, 60301.840, 60301.850, 60301.855, 60301.860, 60301.870, 60301.910, 60320.100, 60320.102, 60320.104, 60320.106, 60320.108, 60320.110, 60320.112, 60320.114, 60320.116, 60320.118, 60320.120, 60320.122, 60320.124, 60320.126, 60320.128, 60320.130, 60320.200, 60320.201, 60320.202, 60320.204, 60320.206, 60320.208, 60320.210, 60320.212, 60320.214, 60320.216, 60320.218, 60320.220, 60320.222, 60320.224, 60320.226, 60320.228, 60320.230		AMEND: 27001
	AMEND: 60323 REPEAL: 60320	Title MPP	
05/28/14	AMEND: 64213, 64431, 64432, 64447.2, 64463, 64465, 64481, 64530, 64534, 64534.2, 64535.8, 64535.4, 64671.80	07/08/14	AMEND: 44-352
05/22/14	AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 54501	07/07/14	AMEND: 40-181, 40-188, 40-190, 42-101, 42-213, 42-302, 42-712, 44-133, 44-316, 80-301, 82-820, 82-832
Title 23		06/30/14	ADOPT: 40-039 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-315, 44-316, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201
10/13/14	ADOPT: 3939.46	06/26/14	AMEND: 11-403
10/13/14	AMEND: 3930	06/13/14	ADOPT: 40-038 AMEND: 22-071, 22-072, 22-305, 40-036, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-314, 44-315, 44-316, 44-317, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 47-220, 47-320, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201 REPEAL: 44-400, 44-401, 44-402, 44-403
10/01/14	ADOPT: 3959.6		
07/28/14	ADOPT: 863, 864, 865		
07/16/14	ADOPT: 875, 878.3 AMEND: 878.1, 879		
07/14/14	ADOPT: 3991		
07/11/14	ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29 AMEND: 13, 13.1, 13.2 (renumbered to		