



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. COMMISSION ON STATE MANDATES

NOTICE OF PROPOSED RULEMAKING

The Commission on State Mandates (Commission) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, if it receives a written request for a public hearing from any interested person or his or her authorized representative no later than 15 days before the close of the written comment period, the Commission will conduct a public hearing on this proposed action on January 27, 2011, and will notify all persons of the date, time, and location of the hearing pursuant to Government Code section 11346.8(a).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at **5:00 p.m. on January 28, 2011**. The Commission will consider only comments received at the Commission offices by that time. Submit comments to:

Heidi Palchik, Program Analyst
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814

AUTHORITY AND REFERENCE

Government Code section 17527(g) authorizes the Commission to adopt the proposed regulations. The purpose of this rulemaking is to implement the Mandate

Redetermination Process pursuant to Government Code Section 17570, Subdivision (d) (Stats. 2010, ch. 719, eff. October 19, 2010 (SB 856)).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission is a seven-member quasi-judicial body authorized to resolve disputes regarding the existence of state-mandated local programs (Gov. Code, § 17500 et seq.) and to hear matters involving applications for a finding of significant financial distress (Welf. & Inst. Code, § 17000.6). The purpose of this rulemaking is to implement the Mandate Redetermination Process pursuant to Government Code Section 17570, Subdivision (d) (Stats. 2010, ch. 719, eff. October 19, 2010 (SB 856)).

Therefore, the Commission proposes to amend Article 1, sections 1181.1 and 1181.2 and add Article 10, sections 1190, 1190.01, 1190.02, 1190.03, 1190.04, and 1190.05 to the California Code of Regulations, Division 2, Title 2, Chapter 2.5 with a proposed effective date 30 days after filing with the Secretary of State.

Statutes 2010, chapter 719 (SB 856, urgency, eff. Oct. 19, 2010) authorizes the Commission on State Mandates to adopt a new test claim decision to supersede a previously adopted test claim decision only upon a showing that the state's liability for that test claim decision pursuant to subdivision (a) of section 6 of Article XIII B of the California Constitution has been modified based on a subsequent change in law. The proposed regulations implement Government Code section 17570, subdivision (d), by establishing the procedures for receiving requests to adopt a new test claim decision and for providing notice and a hearing on those requests. The following is a summary of the proposed regulations:

Section 1181.1. Definitions.

The proposed amendment to the regulation adds a new subdivision (q) defining "Subsequent change in law" utilizing language contained in Government Code section 17570, subdivision (a)(2). It also re-letters existing subdivision (q) and following. The purpose of adding this definition to the Commission's regulations is to have all definitions in one place for the ease of parties participating in the redetermination process.

Section 1181.2. Filing and Service of Written Materials.

The proposed amendment to the regulation adds a new subdivision (d)(8) defining requests to adopt a new test claim decision as "NTCD" for purposes of issuing sequential case numbers, by fiscal year. The proposed amendment also strikes the word "Adobe" in subdivision (c)(1) to allow electronic filing in any PDF format.

Section 1190. Filing a Request to Adopt a New Test Claim Decision

The proposed regulation specifies the requirements for filing a request to adopt a new test claim decision. Specifically it:

- Provides that all requests shall be filed on a form prescribed by the Commission that contains requirements specified by Government Code section 17570, subdivision (d)(1). Among these requirements is that the request contain a “detailed analysis of how and why the state’s liability for mandate reimbursement has been modified pursuant to subdivision (a) of section 6 of Article XIII B of the California Constitution based on a subsequent change in law,” as defined.
- Further elaborates on what a “detailed analysis” is.
- Provides that the Commission shall return a submitted request that is incomplete to the requester and allow the requester to remedy the deficiencies and may disallow the original filing if a complete request is not received by the Commission within 30 calendar days from the date that the incomplete request was returned to the requester.
- Specifies that a requester may not add a new subsequent change in law to a request to adopt a new test claim decision after the request has been deemed complete.

Section 1190.01. Review and Response.

The proposed regulation provides for completeness review of the request by Commission staff and for notice and opportunity for public comment on a completed request.

Section 1190.02. Rebuttal.

The proposed regulation provides parties with the opportunity to rebut written responses on a request to adopt a new test claim decision.

Section 1190.03. Informal Conference.

The proposed regulation authorizes the executive director to schedule an informal conference with the requester, the Department of Finance, Office of the State Controller, and other affected state agencies and interested parties upon request.

Section 1190.04. Executive Director’s Authority to Consolidate Requests to Adopt a New Test Claim Decision.

The proposed regulation authorizes the executive director to consolidate a request to adopt a new test claim decision with another request to adopt a new test claim decision for the second hearing, as specified.

Section 1190.05. Hearing Process and Form of Decision.

The proposed regulation specifies the procedures and standards for the two–step hearing process to consider requests for adoption of a new test claim decision. Specifically it:

- Provides that at the first hearing, the Commission shall determine if the requester has made a showing that the state’s liability pursuant to subdivision (a) of section 6 of Article XIII B, has been modified based on a subsequent change in law; and provide that if the Commission determines that the requester has made this showing, then the Commission shall notice the request for a second hearing to determine if a new test claim decision shall be adopted to supersede the previously adopted test claim decision.
- Requires Commission staff to prepare a draft staff analysis for each hearing at least eight weeks before the hearing or at such other time as required or stipulated to by the parties and provide a process for receipt of public comment on a draft staff analysis, and preparation of a final staff analysis for hearing.
- Provides that mandate redetermination process hearings and decisions are subject to article 7 of the Commission’s regulations which generally provides for requests for postponement and withdrawal of a matter as well as the presentation of evidence and legal argument at the hearings by the requester, interested parties, the Department of Finance, the Controller, any other affected state agency, and interested persons.
- Provides that if a new statement of decision is adopted which finds that there are costs mandated by the state pursuant to Article XIII B, section 6, subdivision (a) of the California Constitution, the amount and method of reimbursement shall be redetermined in accordance with sections 1183.1–1183.32 of the Commission’s regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

| | |
|---|---------|
| Mandate on local agencies and school district: | Unknown |
| Cost or savings to any state agency: | Unknown |
| Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: | Unknown |
| Other non–discretionary cost or savings imposed on local agencies: | None |

Cost or savings in federal funding to the state: None

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

Significant effect on housing costs: None

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

Adoption 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.

Small Business Determination: Because the Commission has no jurisdiction over small businesses, the proposed regulatory action will have no impact on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Heidi Palchik, Program Analyst
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814
 Telephone: (916) 323-3562
 (heidi.palchik@esm.ca.gov)

The backup contact person for these inquiries is:

Nancy Patton, Assistant Executive Director
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814
 Telephone: (916) 323-3562
 (nancy.patton@esm.ca.gov)

Please direct requests for 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 upon which the rulemaking is based to Ms. Heidi Palchik at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission 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 the Commission order to initiate rulemaking proceedings. Copies may be obtained by contacting Ms. Heidi Palchik at the address or phone number listed above. All persons on the Commission’s interested persons mailing list will automatically be sent a copy of the rulemaking file.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, and holding a public hearing, if necessary, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission 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 Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Heidi Palchik at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Heidi Palchik at the above address.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.csm.ca.gov.

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTICOUNTY: Fall River Joint Unified School District

A written comment period has been established commencing on **November 19, 2010** and closing on **January 3, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention: Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written com-

ments must be received no later than **January 3, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS
AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cyndi Glaser, Fair Political

Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 327-5966.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE: Department of Conservation

A written comment period has been established commencing on **November 19, 2010**, and closing on **January 3, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **January 3, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Notice of Proposed Rulemaking

45-Day Notice

The Department of Food and Agriculture amended subsections 3434(b) and (c) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on October 1, 2010. 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 30, 2011.

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 sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on January 3, 2011. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown
 Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 1220 N Street
 Sacramento, CA 95814
sbrown@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.

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code 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 (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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

AMENDED TEXT

This amendment expanded a portion of the existing contiguous regulated area in the counties of Alameda, Contra Costa, Monterey, San Benito, Santa Clara and Solano counties by approximately 56 square miles. The Ryer Island area of Sacramento County was expanded by approximately six square miles and in the Fairfield area of Solano County by approximately 13 square miles. The effect of this proposed change to the regulation was to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas. This resulted in a total of approximately 5,222 square miles under regulation within the State.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

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

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

Cost impacts on a representative private person or business: The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental nursery producing plants in one-gallon containers may incur initial costs of \$140 to \$218 per acre in eliminating the light brown apple moth to be in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates into an initial increased production cost of \$0.002 to \$0.003 per one gallon container. The actual costs may vary with the type of material used, size and production practices of the affected businesses.

However, nursery stock that is infested with the light brown apple moth does not meet the current requirements of Section 3060.2, Standards of Cleanliness, California Code of Regulations (CCR), and cannot be sold. Therefore, there are no additional mandated costs of compliance due to this regulation.

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.

Significant effect on housing costs: None.

Small Business Determination

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

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture 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 actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, 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: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/phpps/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. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to amend regulations contained in Title 4, Division 9, Chapter 12, Article 2. These regulations give guidelines to sealers of weights and measures on penalties to impose when taking administrative actions authorized by Sections 12015.3 and 13302 of the Business and Professions Code.

A public hearing is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

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, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828-1812. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on January 3, 2011.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Since the regulations went into effect in 1996, there have been changes to the Business and Professions Code. These changes added new violations and repealed others so some sections referenced in the regulations no longer match the sections in the Code and others that are not included.

The Legislature has charged the Department with the responsibility of supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100). Section 12027 gives authority to the Secretary of the Department of Food and Agriculture to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5.

The Department of Food and Agriculture proposes to amend Article 2, Weights and Measures Penalty Guidelines to harmonize the regulations with changes to the Business and Professions Code.

SECTION 4800. Notice of Proposed Action and Disposition.

This section is amended to add reference to Section 13302 of the Business and Professions Code which contains the civil penalty procedure and appeal process for new Section 13300 not previously referenced in the regulations.

SECTION 4802. Penalty Guidelines.

This section contains types of violations for which penalties may be assessed and the amounts of the penalties. Table A in this section is used to determine the se-

verity of a particular violation and its corresponding penalty range. New violations have been added and others repealed to correspond to current sections in the Business and Professions Code.

AUTHORITY AND REFERENCE

Pursuant to the authorization in Business and Professions Code Section 12027, the Department proposes regulations to implement, interpret, and make specific, the requirements of Section 12013.5.

LOCAL MANDATE

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

FISCAL IMPACT ESTIMATES

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

COST OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

BUSINESS IMPACT/SMALL BUSINESS

The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal does not affect small businesses as defined by Government Code Section 11342.610. The determination that the proposal would not affect small business is based upon the fact that this regulation does not place new requirements or restrictions on business. It has no impact at all on any entity that is not a state agency as defined in Section 11000 of the California Government Code.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or ex-

isting businesses or the expansion of businesses in the State of California.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

EFFECT ON HOUSING COSTS

None.

ALTERNATIVES

The Department must determine that no reasonable alternative considered would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to David Lazier, Assistant Director, Division of Measurement Standards, at (916) 229-3044 or dlazier@cdfa.ca.gov. The backup contact person is Ed Williams, Director, Division of Measurement Standards, at (916) 229-3000 or ewilliams@cdfa.ca.gov.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the information upon which the 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 strikeout and underline form may be obtained upon request. The rulemaking file, and all information on which the proposal is based, is located at the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828-1812, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's web site located at www.cdfa.ca.gov/dms.

Following the written comment period, the Department will adopt the proposal substantially as set forth

above without further notice. 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 interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting David Lazier, Assistant Director, Division of Measurement Standards, at (916) 229-3044.

WEBSITE ACCESS

Materials regarding this proposal can be found at: www.cdfa.ca.gov/dms.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code, and Sections 36725(a) and 36725(e), Public Resources Code, and to implement, interpret or make specific Sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code, and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to Stewarts Point State Marine Reserve.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On June 24, 2010 the Commission adopted Emergency Regulations for the Stewarts Point State Marine Reserve (SMR). The adoption of these regulations was based on public support and tribal request. After working to adhere to Department of Fish and Game (Department) feasibility guidance and working with other non-government organizations, the Kashia Band of Pomo Indians of the Stewarts Point Rancheria developed a proposal that would allow access to traditional subsistence and ceremonial locations that had previously been incorporated into the Stewarts Point SMR, a no-take marine protected area (MPA).

The Kashia Band of Pomo Indians' proposal requested that the no-take Stewarts Point SMR be modified so that a section of the shoreline would become a State Marine Conservation Area (SMCA) that allowed

for recreational take (Table 1). Their proposed boundary ran from the mean high tide line out to a distance of 300 feet. However, in order to meet previous Department design feasibility guidance on designing MPAs, the Commission opted to extend the offshore boundary out to a line that approximates 1000 feet. Even though these modifications allowed for an SMCA to occur within an area that was previously a no-take reserve, there was no overall change to the connectivity of the MPA network. This was achieved because the original Stewarts Point SMR exceeded minimum size guidelines for connectivity as outlined by the Master Plan Science Advisory Team. However it should be noted that the level of protection for the modified SMCA was reduced from very high to low due to the allowed recreational take for all users.

Table 1. Proposed regulations for the Stewarts Point SMR/SMCA complex.

| MPA Name | Proposed Allowed Take | SAT Level of Protection |
|---|---|-------------------------|
| Stewarts Point State Marine Reserve | Take of all living marine resources is prohibited | Very High |
| Stewarts Point State Marine Conservation Area | Take of all living marine resources is prohibited EXCEPT the recreational take from shore only of: marine aquatic plants other than sea palm, marine invertebrates, finfish by hook and line, surf smelt by beach net, and species authorized in Section 28.80 of these regulations by hand-held dip net. | Low |

The proposed regulation will make permanent the emergency regulations described above.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hotel Mar Monte, 1111 East Cabrillo Boulevard, Santa Barbara, California, on Thursday, December 16, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, First Floor, Sacramento, California, on Thursday, February 3, 2011 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before January 28, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commis-

sion office, must be received before 5:00 p.m. on February 1, 2011. All comments must be received no later than February 3, 2011 at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Department of Fish and Game, Marine Region, telephone (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

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

approximately 25 square nautical miles. The impacts are anticipated to be minor.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Any additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and depend on not only the impacts of the proposed regulation but also other regulations and processes.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Section 817.02 in Subdivision 4 of Title 14 of the California Code of Reg-

ulations (CCR). This section pertains to the Marine Facility Contingency Plan requirements.

PUBLIC HEARING

Pursuant to Gov. Code S. 11346.8(a), **no public hearing has been scheduled** on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested person, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento. **Copies of the written comments submitted will be made available upon request.**

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on January 3, 2011**, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, 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 proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text 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

Government Code Section 8670.28 grants the Administrator of OSPR the authority to adopt regulations for oil spill contingency plans. These regulations implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act), created a comprehensive state oil spill program for California’s marine waters. Among its many provisions, it required the adoption of regulations requiring oil spill contingency plans and establishing financial responsibility requirements for tank vessels, nontank vessels, and marine facilities.

Following the enactment of the above–cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations governing oil spill contingency plans and financial responsibility were adopted. These sections establish clear and consistent guidelines to those parties either affected by their adoption or charged with their enforcement. These regulations were necessary to implement, interpret and make specific Government Code Sections 8670.28 through 8670.31.

These plans are to be used in the response effort that would be necessary in the event of a discharge of oil into the marine waters of the state. The Act authorizes the Administrator to require that all necessary prevention measures are taken, and that sufficient response capability is available. This response capability is determined by calculating the “Reasonable Worst Case Spill Volume”, which is the amount of oil that could be spilled from piping, storage, loss during shut–down procedures, hydrostatic pressure, among other considerations.

This proposal would amend the regulations for the determination of the Reasonable Worst Case Spill Volume for offshore platforms, with and without active well drilling. This proposal would increase the daily production factor of the calculation, from seven (7) days to thirty (30) days. In light of the recent Deepwater Horizon platform spill, which had an uncontrolled release for several months, the increase is in keeping with the OSPR’s mandate to establish regulations and guidelines that provide for the best achievable protection of the coastal and marine resources, and ensure that all areas of the coast are protected by prevention, response, containment and cleanup equipment and operations.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

**COMPLIANCE WITH GOVERNMENT CODE
SECTIONS 8574.10 AND 8670.55**

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil

Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non–discretionary costs or savings imposed upon local agencies: NONE.

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

Cost impacts on representative private persons or businesses:

These amendments clarify current practices.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

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

**ASSESSMENT OF JOB/BUSINESS
CREATION OR ELIMINATION**

OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

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

**AVAILABILITY OF DOCUMENTS
AND OSPR CONTACT PERSON**

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all

the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones (916) 327-0910, or Chris Klumpp (916) 322-1195.

GENERAL PUBLIC INTEREST

STATE ATHLETIC COMMISSION

NOTICE OF CORRECTION

On November 12, 2010, the State Athletic Commission published a one-page general information notice in the General Public Interest part of the California Regulatory Notice Register (Register 2010, No. 46-Z) explaining that there was a “continuation” of the original 45-day hearing that was to be held on November 29, 2010 but is now scheduled for December 7, 2010 at the Department of Consumer Affairs, Evergreen Hearing Room, 2005 Evergreen Street, Sacramento, CA 95815, Tuesday, 1 p.m.

Please be advised that the use of “Continuation” was incorrect. The original hearing **set for November 29, 2010 is cancelled and is being re-scheduled to December 7, 2010 as stated above.**

The Commission is more accurately “**Rescheduling**” the hearing to allow for the full 45-day period to occur before the hearing to meet the Administrative Procedure Act requirements. (This was due to the mailing of the notice after the original publication.)

The original full-length Notice was published on October 15, 2010, in the California Regulatory Notice Register 2010, No. 42-Z, p. 1678.

If you have any questions, please call Sal Barajas at 916-263-2195 or email your question to sal.barajas@dca.ca.gov.

AIR RESOURCES BOARD

ERRATA

TITLES 13 and 17. CALIFORNIA AIR RESOURCES BOARD

By notice dated October 19, 2010, and published in the October 29, 2010, California Regulatory Notice Register, Register 2010, No. 44-Z, the Air Resources Board (ARB or Board) provided Notice of Public Hearing to Consider the Adoption of Proposed Amendments to the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and other Criteria Pollutants from In-Use On-Road Diesel-Fueled Vehicles, The Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Measure and the Regulation to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks at Ports and Intermodal Rail Yard Facilities.

PLEASE BE ADVISED there was an error in the notice regarding ARB hearing date for this rulemaking. The following date appears in the first paragraph on page 3 of the notice:

December 16 and 17, 2020

The date was corrected to read as follows:

December 16 and 17, 2010

PLEASE BE FURTHER ADVISED that the Staff Report: Initial Statement of Reasons (ISOR) prepared by staff inadvertently omitted a considered alternative to the Truck and Bus regulation that would exempt school buses from the regulation unless full funding for replacements was provided. That alternative should have been discussed on page 69 of the ISOR, at section VIII.A.4. The omitted alternative reads:

4. Exempt School Buses Unless Full Funding for Replacements is Provided

Staff evaluated the feasibility to exempt school buses unless funding for replacements is provided. Staff rejected this proposal for the following reasons:

- As studies have shown, providing cleaner air to one of the most sensitive populations, California’s children, continues to be a high priority that must be accomplished without delays.
- Furthermore, the cost associated with replacing all remaining non-compliant vehicles could be as high as \$1.1 Billion, while allowing school districts the current flexibility of retrofitting or replacing school buses is estimated to cost only \$60.1 Million.

- Retrofitting school buses continues to be a more cost-effective emission reduction strategy than replacements.

Staff recognizes the current fiscal difficulties schools are facing and is committed to working with the school districts to obtain additional funding to help reduce emissions associated with school buses.

PLEASE BE FURTHER ADVISED that Appendix J to the ISOR, "Methodology for Estimating Ambient Concentrations of Particulate Matter from Diesel-Fueled Engine Emissions" and "Health Benefits Associated with Reductions in Diesel PM Emissions from In-Use On-Road Heavy-Duty Diesel-Fueled Vehicles," has been modified to incorporate minor edits.

- Pages J-19 and J-24, staff inadvertently cited to Fotheringham and Rogerson as the authors of the article upon which staff relied on page J-19; the reference to Fotheringham and Rogerson has been deleted and replaced with Flowerdew and Green, 1994; the reference to Fotheringham and Rogerson on page J-24 has been modified to reflect that Flowerdew and Green were the authors of the article relied upon and that Fotheringham and Rogerson were the editors of the book in which the article appeared.
- Pages J-22 and J-24, staff inadvertently cited to Cran on page J-22; the citation and the reference on page J-24 have been deleted;
- Pages J-24 and J-25, staff added specific file names to a number of references to assist readers in locating the files on the identified Internet websites.

The complete text of the notice, the Initial Statement of Reasons, including Appendix J, and all subsequent regulatory documents are available on ARB's website for this rulemaking at: <http://www.arb.ca.gov/regact/2010/truckbus10/truckbus10.htm>.

Any questions regarding these corrections should be directed to Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit at (916) 322-4011 or Trini Balcazar, Regulations Coordinator at (916) 445-9564.

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH CARE SERVICES IS IMPLEMENTING A RATE FREEZE FOR RATES PAID TO HOSPITALS FOR INPATIENT SERVICES PROVIDED TO MEDI-CAL BENEFICIARIES

This notice is to provide information of public interest with respect to freezing Medi-Cal inpatient services

rates paid to all hospitals except Designated Public Hospitals. The Department of Health Care Services (DHCS) has imposed a freeze on reimbursement rates paid to contract and non-contract hospitals for inpatient hospital services. A previous notice was published on June 25, 2010. This notice provides additional detail regarding Senate Bill (SB) 853 (2010) that enacted the rate freeze. SB 853 requires that Medi-Cal inpatient hospital rates be frozen to allow the development and implementation of a payment system based on diagnosis-related groups (DRGs).

DHCS is in the process of developing a payment methodology based on DRGs that reflects the costs and staffing levels associated with quality of care for patients in general acute care hospitals. The DRG payment system will be implemented after the related DRG system changes have been integrated into the Medicaid Management Information System (MMIS) and are fully operational, but no later than June 30, 2014.

DRG based payments will apply to all claims, except claims for psychiatric inpatient days, rehabilitation inpatient days, managed care inpatient days, and swing bed stays for long-term care services. Psychiatric and rehabilitation inpatient days will be excluded regardless of whether or not the stay was in a distinct-part unit. DHCS may exclude or include other claims and services as may be determined during the development of the payment methodology.

The rate freeze will continue in effect for reimbursements for inpatient hospital services provided to Medi-Cal beneficiaries for dates of service beginning July 1, 2010, through the date that the DRG-based payment system is implemented. Agreements between the State and a hospital for rate adjustments are nullified to the extent that they are inconsistent with applicable provisions of SB 853; other provisions of such agreements will remain unchanged. If a contract hospital becomes a non-contract hospital, or a non-contract hospital becomes a contracting hospital, the hospital will continue to receive the lesser of the rate(s) received on January 1, 2010, or July 1, 2010.

DHCS will implement a reconciliation process by June 30, 2012, to reconcile the amounts paid to those hospitals (that were subject to the freeze) to the amounts that they would have received had the DRG-based payment system been in effect. The reconciliation process will apply to payments made for dates of service on and after July 1, 2010.

DHCS will develop and provide to all hospitals the methodology that will be utilized to implement the rate freeze for non-contracting hospitals by January 17, 2011.

PUBLIC REVIEW AND COMMENTS

Copies of the sections of SB 853 referred to in this notice and a detailed description of those provisions are

available for public review at local county welfare offices throughout the State. Copies of those documents may also be requested, in writing, from Ms. Jalyne Callori, Department Of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436.

DHCS is also seeking comment on the rate freeze applicable to inpatient hospital services as described above. Written comments must be mailed to Ms. Callori at the above address and must be received on or before December 10, 2010.

**OAL REGULATORY
DETERMINATIONS**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

**(Pursuant to Government Code Section 11340.5
and Title 1, section 270, of the
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Date: November 4, 2010
 To: Richard Bell
 From: Chapter Two Compliance Unit
 Subject: **2010 OAL DETERMINATION NO. 26(S)
(CTU2010-0910-01)**
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation a Response to First Level Appeal, Log# CSP-S-09-2300 addressing requirements for access to chapel time and space at California State Prison, Solano

On September 10, 2010, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether "Response to First Level Appeal, Log# CSP-S-09-2300" (Response) addressing requirements for access to chapel time and space at

California State Prison, Solano contains an underground regulation. The Response states:

Any new [faith] group must establish an average of ten (10) faith members in informal meetings held outside the chapel over the previous six (6) months [to grant the faith group's request for chapel time and space].

The rule is stated in a Response to First Level Appeal, Log# CSP-S-09-2300, dated December 26, 2009, and signed by the Associate Warden of California State Prison, Solano. The rule as stated in the Response to First Level Appeal was affirmed in a document titled Second Level Appeal Response Log No.: SOL 09-2300. The Second Level Appeal Response is dated February 18, 2010, and is signed by the Warden at California State Prison, Solano. Both documents are attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

¹ "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (1998) 67 Cal.App.4th 841, 845, the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by California State Prison, Solano and applies solely to the inmates of the California State Prison, Solano. Inmates housed at other institutions are governed by those other institutions’ criteria for access to chapel time and space at that institution. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.
(B) The challenged rule is contained in a California statute.
(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions in the APA.
(D) The challenged rule has expired by its own terms.

(E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** [Emphasis added.]

/s/
SUSAN LAPSLEY
Director

/s/
Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
Tim Lockwood

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATIONS**

**(Pursuant to Government Code Section 11340.5
and Title 1, section 270, of the
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

BOARD OF PAROLE HEARINGS

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

**2010 OAL DETERMINATION NO. 27
(OAL FILE NO. CTU2010-0506-03)**

**REQUESTED BY: MICHAEL BRODHEIM
CONCERNING: THE BOARD OF PAROLE
HEARINGS’ PSYCHOLOGICAL
EVALUATION PROCESS FOR
INMATES PRIOR TO LIFE
PAROLE CONSIDERATION
HEARINGS**

**DETERMINATION ISSUED
PURSUANT TO GOVERNMENT
CODE SECTION 11340.5.**

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation”

as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

CHALLENGED RULE

On May 5, 2010, OAL received the petition of Michael Brodheim (Petitioner), challenging the Board of Parole Hearings’ (Board) psychological evaluation process for life parole consideration hearings. The Petitioner indicates that he submitted two rules being challenged as underground regulations: (1) the “attempted amendment” of section 3084.1(a) of title 15 of the California Code of Regulations, precluding the appeal of adverse psychological evaluations; and, (2) the psychological evaluation process as reflected in the California Department of Corrections and Rehabilitation Board of Parole Hearings’ Forensic Assessment Division Psychological Report Process (attached as Exhibit A). After reviewing the petition submitted by Petitioner and the accompanying documentation,¹ OAL accepted the petition for consideration on the following issue:

Whether the document titled “California Department of Corrections and Rehabilitation Board of Parole Hearings’ Forensic Assessment Division Psychological Report Process,” contains underground regulations.

The California Department of Corrections and Rehabilitation Board of Parole Hearings’ Forensic Assessment Division Psychological Report Process will be referred to herein as the “Psychological Report Process.”

DETERMINATION

OAL determines that the challenged Psychological Report Process contains provisions that meet the definition of a “regulation” as defined in Government Code section 11342.600 and that those provisions should have been adopted pursuant to the APA.

FACTUAL BACKGROUND

Before January 1, 2009, psychological evaluations prepared for life parole suitability hearings did not have

¹ The petition included copies of a completed Inmate/Parolee Appeal Form, two declarations from psychologists, copies of Comprehensive Risk Assessments and a December 1, 2008 memorandum from the Executive Officer of the Board.

a specific format. In January 2009, the Board adopted a standardized process for psychological evaluations prepared for parole suitability hearings.² Various provisions of this standardized process for psychological evaluations are set forth in the Psychological Report Process.

The following are some examples of the process and requirements contained in the Psychological Report Process:

1. FAD [Forensic Assessment Division] will use the following instruments to assess the potential for future violence:
 - The Historical Clinical Risk Management — 20 (HCR–20)
 - The Hare Psychopathy Checklist — Revised (PCL–R)
 - Level of Service/Case Management Inventory (LS/CMI)
 - Static 99 — (when deemed appropriate by clinician)³
2. The Comprehensive Risk Assessments,⁴ completed every five years, will include an evaluation of the prisoner’s remorse, insight, and an exploration of the commitment offense, as well as the need for additional institutional programming.⁵
3. A new report will not be completed where the inmate disagrees with the assessment or an opinion provided by the psychologist. This includes the inmate challenging the facts provided by the psychologist in the report and disputed self–admissions.⁶
4. When an existing report is three years old, or used in a hearing resulting in a decision, it will expire and the Forensic Assessment Division (FAD) will complete a report, prior to the next hearing, utilizing the new format.⁷

In its response to the petition, the Board states that “Penal Code Section 5068 provides for the preparation of a psychological evaluation before the release of an inmate committed to a term of life with the possibility of parole. Sections 2282 and 2402 of Title 15 of the California Code of Regulations [require] that a [Board] hearing panel consider all relevant and reliable information available to the panel when determining whether an inmate is suitable for release on parole. When making its determination, a hearing panel weighs

² Response, page 1. The response is attached as Exhibit B.

³ Quoted from page 2 of the Psychological Report Process.

⁴ A Comprehensive Risk Assessment is an instrument by a professional evaluating and opining on an inmate’s potential for future violence.

⁵ Quoted from page 2 of the Psychological Report Process.

⁶ Quote from page 4 of the Psychological Report Process.

⁷ Quote from page 2 of the Psychological Report Process.

a variety of factors, including the inmates' social history, past and present mental state, criminal history, commitment offenses, past and present attitude toward the crime, any conditions of treatment or control, and any other information bearing on the inmate's suitability for parole."⁸

The subject of life parole consideration hearings was at issue in a case filed in the Marin County Superior Court, captioned *In Re Rutherford*.⁹ As a result of this case, the Marin County Superior Court entered a number of orders related to life parole consideration hearings. The Board states that on April 8, 2005, the Board was ordered by the court to develop "a streamlined psychological risk assessment tool to be used in conjunction with subsequent parole consideration hearings."¹⁰ The court also ordered the Board to develop a plan to remediate the backlog of Life Prisoner Evaluation Reports, among other things. In March 2006, further Stipulations and "ORDERS REGARDING ELIMINATION OF HEARING BACKLOG AND RELATED MATTERS" were entered by the court. The Stipulated Procedures state that "[b]y September 22, 2006, the [California Department of Corrections and Rehabilitation] must develop policies and procedures that will both eliminate the current backlog of overdue parole hearings and make sure that future hearings are conducted on time." Other orders were entered by the court including one requiring a certain number of psychologists that the Board was to have in place to prepare the psychological evaluations for parole consideration. The court also established requirements for communication and notice to counsel for the class of inmates represented in *In Re Rutherford* so as to provide for their participation in the development of the psychological evaluation process.

OAL received the Board's response on August 23, 2010, and the Petitioner's reply on September 9, 2010.

UNDERGROUND REGULATIONS

Any regulation adopted by a state agency through its exercise of quasi-legislative power delegated to it by statute to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, is subject to the APA unless a statute *expressly exempts* the regulation from APA review (Government Code sections 11340.5 and 11346).

Government Code section 11342.600 defines a regulation as "**every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or**

standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure. [Emphasis added.]" Government Code section 11340.5, subdivision (a), provides that:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

Furthermore, Government Code section 11346 states:

(a) **It is the purpose of this chapter to establish basic minimum procedural requirements** for the adoption, amendment, or repeal of administrative regulations. Except as provided in Section 11346.1, the provisions of this chapter are applicable to the exercise of any quasi-legislative power conferred by any statute heretofore or hereafter enacted, but nothing in this chapter repeals or diminishes additional requirements imposed by any statute. **This chapter shall not be superseded or modified by any subsequent legislation except to the extent that the legislation shall do so expressly.** [Emphasis added.]

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of section 11340.5, it creates an underground regulation as defined in title 1, California Code of Regulations, section 250(a).

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

Pursuant to Government Code section 11340.5, OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of "regulation" as defined in section 11342.600 and should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or attempted to enforce an underground regulation is entitled to "due deference" in any subsequent litigation of

⁸ Response, page 1.

⁹ *In re Rutherford* (Marin County Superior Court, Case No. SC13599 A).

¹⁰ Response, page 4.

the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

OAL's legislative mandate was summarized by the court in *State Water Resources Control Board vs. The Office of Administrative Law* (1993) 12 Cal.App.4th 697, 702 [16 Cal.Rptr.2d 25], as follows:

The Legislature established the OAL as a central office with the power and duty to review administrative regulations. The Legislature expressed its reasons in no uncertain terms stating, in essence, that it was concerned with the confusion and uncertainty generated by the proliferation of regulations by various state agencies, and that it sought to alleviate these problems by establishing a central agency with the power and duty to review regulations to ensure that they are written in a comprehensible manner, are authorized by statute and are consistent with other law. (Gov. Code, §§ 11340, subd. (e), and 11340.1.) In order to further that function, the relevant Government Code sections are careful to provide OAL authority over regulatory measures whether or not they are designated "regulations" by the relevant agency. In other words, if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labeled it.

Any doubt as to the applicability of the APA, should be resolved in favor of the APA. As *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244]¹¹ states:

. . . because the Legislature adopted the APA to give interested persons the opportunity to provide input on proposed regulatory action ([*Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 204]), we are of the view that any doubt as to the applicability of the APA's requirements should be resolved in favor of the APA.

Following is OAL's analysis of the Psychological Report Process assessing whether the challenged process contains underground regulations.

ANALYSIS

OAL's authority to issue a determination extends only to the limited question of whether the challenged rule is a "regulation" subject to the APA. This analysis will determine (1) whether the challenged rule is a "regulation" within the meaning of section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

¹¹ *Grier v. Kizer, supra*, 219 Cal.App.3d 422, was disapproved as to an unrelated issue. It is still good law for the purpose stated.

As previously stated, a regulation is defined in Government code section 11342.600 as:

. . . every rule, regulation, **order, or standard of general application** or the amendment, supplement, or revision of any rule, regulation, order, or standard **adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.** [Emphasis added.]

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186] (hereafter *Tidewater, supra*, 14 Cal.4th 557), the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, § 11342, subd. (g)).¹²

As stated in *Tidewater, supra*, 14 Cal.4th 557, the first element used to identify a "regulation" is whether the rule applies generally. As *Tidewater, supra*, 14 Cal.4th 557, points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.

With respect to the first element, the Psychological Report Process states:

The Board of Parole Hearings' (BPH) lack of standardization of psychological reports, and absent or untimely psychological reports, cause hearing postponements that contributes to the backlog of Life Parole Consideration Hearings. The BPH will establish guidelines for the psychological report process **as it relates to Life Parole Consideration Hearings.** [Emphasis added.]

The challenged process applies to all inmates who are committed to a term of life with the possibility of parole. Any inmate who is eligible for parole consideration must have a parole consideration hearing. Therefore, all inmates that are eligible for Life Parole Consideration Hearings are the class being affected. All inmates with a sentence of life with the possibility of parole are, and will be, subject to the requirements established by the Board in the Psychological Report Process. The class is therefore "clearly defined" as the open

¹² Government Code section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

class of present and future life inmates who have the possibility of parole. The first element of *Tidewater, supra*, 14 Cal.4th 557, is thereby met.

The second element used to identify a “regulation” as stated in *Tidewater, supra*, 14 Cal.4th 557, is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

In its response, the Board states:

Penal Code Section 5068 provides for the preparation of a psychological evaluation before the release of an inmate committed to a term of life with the possibility of parole. Sections 2282 and 2402 of Title 15 of the California Code of Regulations [require] that a [Board] hearing panel consider all relevant and reliable information available to the panel when determining whether an inmate is suitable for release on parole.¹³

Penal Code section 5068 provides:

The Director of Corrections shall cause each person who is newly committed to a state prison to be examined and studied. This includes the investigation of all pertinent circumstances of the person’s life such as the existence of any strong community and family ties, the maintenance of which may aid in the person’s rehabilitation, and the antecedents of the violation of law because of which he or she has been committed to prison. Any person may be reexamined to determine whether existing orders and dispositions should be modified or continued in force.

Upon the basis of the examination and study, the Director of Corrections¹⁴ shall classify prisoners; and when reasonable, the director shall assign a prisoner to the institution of the appropriate security level and gender population nearest the prisoner’s home, unless other classification factors make such a placement unreasonable.

. . .

Before the release of any inmate committed under subdivision (b) of Section 1168, the director shall provide the Community Release Board with a written evaluation of the prisoner.

[Emphasis added.]

The Psychological Report Process sets forth the use of psychological reports in parole consideration hearings for life inmates with the possibility of parole, including expiration dates for the reports and Comprehensive Risk Assessments. The Psychological Report Process also establishes the format for the Comprehen-

sive Risk Assessments and specifically designates which psychological assessment instruments will be used to assess the inmates’ potential for future violence, among other things. In addition, the Psychological Report Process states when and how “requests for review” will be handled. In articulating these standards for a psychological report process for use in life parole consideration hearings, the Board indicates it is implementing Penal Code section 5068.

Additionally, as previously indicated, the Board states in its response that “[s]ections 2282 and 2402 of Title 15 of the California Code of Regulations [require] that a [Board] hearing panel consider all relevant and reliable information available to the panel when determining whether an inmate is suitable for release on parole.”¹⁵

California Code of Regulations, title 15, section 2282 establishes matrixes for the “Base Term” for each inmate committed to a life term. California Code of Regulations, title 15, section 2402 establishes standards for the “Determination of Suitability” for parole for inmates committed to life sentences with the possibility of parole, including the past and present mental state of the prisoner. According to the Board, the Psychological Report Process “provides some information about an inmate’s past and present mental state for consideration by a [Board] hearing panel pursuant to Sections 2282 and 2402 of Title 15 of the California Code of Regulations.”¹⁶ Hence, the Board is implementing, interpreting or making specific Penal Code section 5068 and sections 2282 and 2404 of title 15 of the California Code of Regulations. Therefore, the second element as stated in *Tidewater, supra*, 14 Cal.4th 557, is met.

Having met both elements of *Tidewater, supra*, 14 Cal.4th 557, the challenged process meets the definition of “regulation” in Government Code section 11342.600.

EXEMPTION

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation **except to the extent that the legislation shall do so expressly.**” (Emphasis added.)

The Board states that the challenged action is exempt from the APA pursuant to Government Code section

¹³ Response, page 1.

¹⁴ Pursuant to Penal Code section 5050, as of July 1, 2005, references to the Director of Corrections refer to the Secretary of the Department of Corrections and Rehabilitation.

¹⁵ Response, page 1.

¹⁶ Response, page 2.

11340.9(d).¹⁷ Government Code section 11340.9(d) states:

This chapter [Chapter 3.5 (commencing with section 11340) of the Government Code] does not apply to any of the following:

. . .

(d) A regulation that relates **only** to the internal management of the state agency. [Emphasis added.]

In its response, the Board indicates:

The revised process was intended only to direct the actions of BPH [Board] employees. It provides guidance to staff on how to handle the major reasons for hearing postponements related to psychological reports, including: the shelf-life (or validity period) of a [sic] psychological reports; requests from hearing panels for additional information or new psychological reports; and inmates [sic] request for a new report or inmates [sic] appeal of the contents of the report.

The internal management exception to the APA is narrow. A regulation is exempt as internal management if it:

1. directly affects only the employees of the issuing agency; **and,**
2. does not address a matter of serious consequence involving an important public interest. (See *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198 [149 Cal.Rptr. 1], *Stoneham v. Rushen* (1982) 137 Cal.App.3d 729 [188 Cal.Rptr. 130] and *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].)

As stated earlier, the requirements in the Psychological Report Process affect all life inmates that are eligible for parole. The requirements contained therein go beyond directing just the employees of the Board in their duties, but directly affect all life inmates who may be considered eligible for parole. Therefore, the Psychological Report Process does not meet the first element for the internal management exemption because it does not affect **only** the employees of the Board.

Having reached the conclusion that the first element of internal management has not been met, it is not necessary to determine whether The Psychological Report process is a matter of serious consequence involving an important public interest.

However, assuming *arguendo* that the Psychological Report Process only affects the employees of the Board, the Board would also have to establish the second element of the internal management exemption. The Board would have to establish that the Psychological Report Process of inmates prior to parole consideration

is not a matter of serious consequence involving an important public interest. The Psychological evaluations are given to the hearing panel of the Board in consideration of their suitability for parole. The Board indicates that they are one fact in establishing the inmate's past and present mental state. A psychological evaluation that indicates an inmate has a high potential for future violence would cause the hearing panel to find the inmate not suitable for parole. Alternatively, a psychological evaluation that shows low potential for future violence by an inmate means the inmate has a higher likelihood to be paroled. Which inmates, all of whom have been convicted of serious crimes, are to be paroled is a matter of serious consequence involving an important public interest, namely public safety from the public's perspective and freedom from incarceration from the perspective of the inmate. The Psychological Report Process contains specific requirements as to what risk assessment instruments may be used in the determination of future potential for violence. Different risk assessment instruments may produce different results. The Board therefore would not be able to establish the second element if they were able to establish the fact that the challenged process only affects the employees of the issuing agency.

In that the Board has not met the first element necessary to establish an internal management exemption, the exemption is inapplicable.

The Board did not identify, nor could OAL identify, any other exemptions to the APA.

AGENCY RESPONSE

In addition to the Board's contention that the challenged action meets the requirements of the internal management exemption to the APA, the Board also contends in its response that the Board's psychological report process is not an underground policy in that the "circumstances surrounding the development of the psychological report process demonstrate that the challenged rule is not an underground regulation."¹⁸

The Board states that "[s]ection 270(f)(2) of Title 1 of the California Code of Regulations permits OAL to consider all the circumstances which demonstrate that a challenged rule is not an underground regulation."¹⁹

California Code of Regulations, title 1, section 270(f) states:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that

¹⁷ Ibid.

¹⁸ Response, page 3.

¹⁹ Response, page 3.

conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) **Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:**

- (A) The challenged rule has been superseded.
- (B) The challenged rule is contained in a California statute.
- (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
- (D) The challenged rule has expired by its own terms.
- (E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

(3) A summary disposition letter shall state the basis for concluding that the challenged rule is not an underground regulation and shall specify that the issuance of the letter does not restrict the petitioner’s right to adjudicate the alleged violation of section 11340.5 of the Government Code.

(4) A summary disposition letter shall be sent to the petitioner not later than 60 days following receipt of the complete petition. [Emphasis added.]

The Board indicates that OAL “should consider all circumstances in which facts demonstrate that a challenged rule is not an underground regulation. According to Section 270(f)(2) of Title 1 of the [CCR], these circumstances are not limited to those listed in subdivisions (f)(2)(A) through (f)(2)(E).”²⁰ The Board then states that it has been working hard to eliminate the backlog of overdue life parole consideration hearings as part of the *In re Rutherford*²¹ class action lawsuit and one of the purposes of the APA is to ensure that those whom a regulation will affect have a voice in its creation. The Board further states that the Stipulated Procedures in *In re Rutherford* provide that the Board “may modify the Policies and Procedures at any time, provided that as modified the Policies and Procedures will advance the goal of providing timely hearings.”

Section 270(f) concerns factors to consider **prior to OAL’s acceptance of a petition, as to whether a summary disposition is appropriate.** Prior to acceptance, OAL **did** consider whether the challenged process fits into **any** of the categories set forth in section 270(f), including the issues raised by the Board. In that the matter

was not an appropriate matter for summary disposition, OAL accepted the petition for consideration of a full determination, giving the Board an opportunity to provide additional information and input.

In addition, the Board states that the report process does not require an outcome or determination about an inmate’s suitability for parole and only provides “some” information about an inmate’s past and present mental state for consideration by a Board hearing panel. The hearing panel weighs other factors also.

The court in *State Water Resources Control Board vs. The Office of Administrative Law* (1993) 12 Cal.App.4th 697, 702 [16 Cal.Rptr.2d 25], (hereafter *State Water Resources Control Board, supra*, 12 Cal.App.4th 697), in finding that the Water Board’s actions were underground regulations, noted that the mere fact that there are other procedural requirements applicable to a matter does not alleviate an agency from the requirements of the APA.

The court stated:

The provisions of this article shall not be superseded or modified by any subsequent legislation *except to the extent that such legislation shall do so expressly.*” (Italics added.) Although section 11346 was added in 1980, after the adoption of the Porter–Cologne Act, it simply restates the provisions of Government Code former section 11420, which predated the act. The statutory language could hardly be clearer. It therefore overcomes the otherwise applicable rule that a special statute controls a general statute. (*Engelmann v. State Bd. of Education* (1991) 2 Cal.App.4th 47, 59 [3 Cal.Rptr.2d 264].) We do not agree with the Boards’ argument that section 11346 somehow impermissibly limits or restricts the power of the Legislature. **If the Legislature desires to permit implied exemptions, it can amend section 11346 to so provide. Nor are we persuaded that section 11346 means something other than what it says because other courts may have recognized implied exemptions to the APA in unusual circumstances, or because the Legislature has not expressly stated otherwise. As to the last of these arguments, the Legislature has settled the issue by stating that unless expressly exempted, all administrative regulations must comply with the APA. Therefore, the mere fact that the Porter–Cologne Act has its own procedural requirements does not, in and of itself, create a conflict.** [Emphasis added.] (*State Water Resources Control Board supra*, 12 Cal.App.4th 697, at p. 704.)

The court orders referred to by the Board do not create an exemption from the APA. Even if the Board

²⁰ Ibid.

²¹ Marin County Superior Court, Case No. SC 135399A.

fulfilled the court ordered procedural requirements, such would not alleviate the Board from the basic APA requirements of Government Code section 11340, et seq. As required in Government Code section 11346, an exemption to the APA must be expressly stated by the Legislature in order to be valid. The requirements articulated by the Court in *In re Rutherford* are in addition to the APA requirements and do not create an express exemption from the APA.

PETITIONER REPLY

On September 9, 2010, OAL received a reply from the Petitioner. The Petitioner states that the Board does not contend in its response that the challenged process is not regulatory and that the Board’s contention “that [its] efforts ‘to eliminate the backlog of overdue life parole consideration hearings as part of the *In re Rutherford* class action lawsuit’ does not merit consideration. Petitioner further contends that the matter does not fall within the “internal management” exemption to the APA and the fact that the Board may have complied with the procedural requirements of the *In re Rutherford* Stipulated Procedures does not conform to the basic minimum procedural requirements of the APA. In addition, the Petitioner asserts that the issue in *In re Rutherford* is the failure of the Board to hold timely life parole suitability hearings, “not the frequency, content, or format of psychological evaluations.”²²

As noted above, OAL agrees that the internal management exemption to the APA does not apply and the orders *In re Rutherford* are in addition to the basic procedural requirements of the APA.

PUBLIC COMMENTS

OAL received two sets of comments from the public.²³ The comments received were from Donald A. Miller, Miller Consulting and Theresa Torricellas. Ms. Torricellas articulated numerous objections to the psychological evaluation process and the risk assessment instruments used by the Board. Mr. Miller, likewise, had many objections to the process and the risk assessments used and various other matters. Both contend that the use of the psychological evaluations is beyond the Board’s authority. They include many exhibits, including but not limited to, a Special Report on the Board of Parole Hearings: Psychological Evaluations and Mandatory Training Requirements by the Office of the Inspector General (dated July, 2010); memoranda from California Department of Corrections and Rehabilita-

²² Reply, page 3.

²³ A comment was also received from Life Support Alliance. However, it has not been considered in that it does not meet the requirements of section 270(g).

tion and the Board concerning psychological evaluations of inmates; “Guidelines for Preparation of Mental Health Evaluations for Board of Parole Hearings” (dated June 30, 2006); minutes of the September 18, 2007 Executive Board Meeting of the Board; Notice to District Attorneys, State Appointed and Private Inmate Counsel from Martin Hoshino (dated December 1, 2008); Declarations of Melvin Macomber, Ph.D. and Barbara P. Stark, Psy.D and various articles. The comments provided additional information in support of the Petitioner’s contention that the psychological evaluation process should have been adopted pursuant to the APA. As stated previously, OAL agrees with the Petitioner based upon the information provided with the petition.

CONCLUSION

In accordance with the above analysis, and based upon the documents provided with the petition, OAL determines that the challenged Psychological Report Process contains provisions that meet the definition of a “regulation” as defined in section 11342.600 that should have been adopted pursuant to the APA.

Date: November 8, 2010

/s/
SUSAN LAPSLEY
Director

/s/
Elizabeth A. Heidig
Staff Council

copy: Martin Hoshino, Executive Officer, Board of Parole Hearings
Philip Reiser, Staff Counsel, Board of Parole Hearings
Tai Truong (OAL file number: CTU2010-0430-01)
Douglas T. Russell (OAL file number: CTU2010-0212-01)

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

653–7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010–0927–01

AIR RESOURCES BOARD

Emission Warranty Information Reporting (EWIR)

The Air Resources Board amended sections 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136 and 2141 and repealed sections 2166 through 2175 of title 13 of the California Code of Regulations to remove the Emission Warranty Information Reporting (EWIR) program.

Title 13

California Code of Regulations

AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141 REPEAL: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174

Filed 11/08/2010

Effective 12/08/2010

Agency Contact: Amy Whiting (916) 322–6533

File# 2010–1004–02

BOARD OF PILOT COMMISSIONERS

Portable Pilot Units

This action defines the term “portable pilot unit,” requires pilots and inland pilots to be trained their use and to be equipped with such a device while piloting, unless carrying one presents an unacceptable safety hazard.

Title 7

California Code of Regulations

AMEND: 219, 202

Filed 11/09/2010

Effective 12/09/2010

Agency Contact: Terri Toohey (916) 768–5638

File# 2010–0923–01

CALIFORNIA POLLUTION CONTROL

FINANCING AUTHORITY

Bond Program Fee Structure

This is the Certificate of Compliance to make permanent the prior emergency regulatory action (OAL file no. 2010–0706–01EE). The rulemaking amends Title 4 sections relating to pollution control revenue bonds to add a new general fee category associated with the sale of the bonds, amend the small business fund assistance fees and make clarifying changes to existing regulations. Specifically, any bond issued that is not eligible for allocation of volume cap pursuant to 26 USC 146 triggers a new fee of one tenth of one percent of the face value of bonds issued and an annual fee of five one-hundredths of one percent of the outstanding balance yearly with a minimum of \$1,000 and a maximum of \$75,000.

Title 4

California Code of Regulations

AMEND: 8034, 8035, 8042, 8043

Filed 11/04/2010

Effective 11/04/2010

Agency Contact:

Samantha Russell (916) 654–6061

File# 2010–1007–01

DEPARTMENT OF DEVELOPMENTAL SERVICES

Conflict-of-Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 17

California Code of Regulations

AMEND: 50300

Filed 11/10/2010

Effective 12/10/2010

Agency Contact: Presley Clark (916) 657–3216

File# 2010–1101–01

DEPARTMENT OF FOOD AND AGRICULTURE

European Grapevine Moth Interior Quarantine

This is the readoption of an emergency regulatory action which expanded the quarantine areas for the European Grapevine Moth (EGVM), *Lobesia botrana*, in the new areas of Lake, Napa and Sonoma counties. The emergency action expanded the existing regulated area in Napa County by approximately 99 square miles. The emergency action expanded the existing regulated area in Sonoma County by approximately 62 square miles and established a new quarantine area of approximately 19 square miles in Lake County for a total of approximately 1,796 square miles.

Title 3

California Code of Regulations

AMEND: 3437

Filed 11/09/2010

Effective 11/09/2010

Agency Contact:

Susan McCarthy (916) 654–1017

File# 2010–0930–04

DEPARTMENT OF HEALTH CARE SERVICES

Drug Medi-Cal Rates

This is the Certificate of Compliance to make permanent the prior emergency regulatory action (OAL file no. 2010–0608–02E) that updated the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year (FY) 2003–2004 through FY 2009–2010. There are also several non-substantive

changes made through section 51516.1 of Title 22 of the California Code of Regulations.

Title 22
California Code of Regulations
AMEND: 51516.1
Filed 11/10/2010
Effective 11/10/2010
Agency Contact: Lori Manieri (916) 650-6825

File# 2010-1028-01
DEPARTMENT OF INDUSTRIAL RELATIONS
Fee-based Compliance Monitoring by DIR

This emergency rulemaking action repeals Articles 1 and 2 of Subchapter 4.5 of Chapter 8 of Division 1 of Title 8 of the California Code of Regulations and separate references to that Subchapter so as to enable the sale of general obligation and lease revenue bonds to finance public works projects.

Title 8
California Code of Regulations
AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464
Filed 11/04/2010
Effective 11/04/2010
Agency Contact: John Cumming (415) 703-4265

File# 2010-0923-03
DEPARTMENT OF INSURANCE
Privacy Regulation Amendments to Clarify Producer Responsibilities

This rulemaking makes nonsubstantive changes to existing provisions governing the form of opt out notice and opt out methods for disclosure of nonpublic personal financial information by licensees to nonaffiliated third parties.

Title 10
California Code of Regulations
AMEND: 2689.8(c)
Filed 11/04/2010
Agency Contact:
Elizabeth Mohr (415) 538-4112

File# 2010-1011-02
DEPARTMENT OF PUBLIC HEALTH
Standards for Protection Against Radiation

This rulemaking action updates regulations in Title 17 of the California Code of Regulations to ensure that, for federal rules incorporated by reference concerning standards for protection against exposure to radiation, the state regulations incorporate the most recent versions of those federal rules. The rulemaking also requires that each employee, who meets the federal

threshold for having to be monitored because of the amount of radiation he or she receives, must receive an annual report of the dose of radiation they have received if the dose is determined to have been greater than a specified annual amount.

Title 17
California Code of Regulations
AMEND: 30253, 30255, 30256
Filed 11/09/2010
Effective 12/09/2010
Agency Contact:
Coleen Keelan (916) 440-7439

File# 2010-1005-01
FISH AND GAME COMMISSION
Commerical Herring Fishery

The Fish and Game Commission amended sections 163 and 164 of title 14 of the California Code of Regulations to set the commercial herring take for the 2010-2011 season and make other changes.

Title 14
California Code of Regulations
AMEND: 163, 164
Filed 11/09/2010
Effective 12/09/2010
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2010-1007-04
NEW MOTOR VEHICLE BOARD
Grammatical and Reference Changes

This section 100 change without regulatory effect rulemaking makes a variety of grammatical, spelling, and cross-reference corrections to the Board's existing regulations.

Title 13
California Code of Regulations
AMEND: 551.15, 551.17, 556, 558, 561, 586
Filed 11/09/2010
Agency Contact:
Robin P. Parker (916) 323-1536

File# 2010-0930-02
STRUCTURAL PEST CONTROL BOARD
Pesticide Warning Sign / Completion Tag Information

The Structural Pest Control Board submitted this rulemaking action to add warning information to signs that are required to be posted during structural fumigation or pesticide treatment. These signs are required by the Business and Professions Code and title 16, California Code of Regulations, sections 1974 (fumigation warning signs) and 1996.1 (inspection and completion tags). This action amends sections 1974 and 1996.1 by requiring that the signs indicate the trade name and active ingredient of any fumigant or pesticide.

Title 16
 California Code of Regulations
 AMEND: 1974, 1996.1
 Filed 11/08/2010
 Effective 12/08/2010
 Agency Contact: Susan Saylor (916) 561-8710

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN June 9, 2010 TO
 November 10, 2010**

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

10/29/10 ADOPT: 1859.90.2 AMEND: Renumber 1859.90.2 to 1859.90.3, 1859.129, 1859.197
 10/28/10 AMEND: 59.1
 10/27/10 ADOPT: 1185.21, 1189 AMEND: 1181, 1181.1, 1181.2, 1181.4, 1183, 1183.01, 1183.02, 1183.03, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.11, 1183.12, 1183.131, 1183.14, 1183.2, 1183.21, 1183.30, 1183.31, 1183.32, 1185, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1186, 1187, 1187.2, 1187.3, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1189.1, 1189.3 REPEAL: 1181.3, 1189.4, 1189.5
 10/26/10 ADOPT: 2297.1
 10/21/10 ADOPT: 58.8 AMEND: 59.3
 10/11/10 ADOPT: 599.937.4
 10/07/10 AMEND: 51.1
 10/07/10 AMEND: 51.2(u)
 10/07/10 AMEND: div. 8, ch. 46, sec. 53500
 10/05/10 AMEND: div. 8, ch. 79, sec. 56800
 10/05/10 ADOPT: 1859.172 AMEND: 1859.162.3, 1859.171
 10/04/10 AMEND: 1859.2, 1859.81
 10/04/10 ADOPT: 642, 643, 644, 645 AMEND: 640, 641
 09/27/10 AMEND: 18942, 18944.1
 09/07/10 AMEND: Renaming of headings only, as follows: Article 4 of Chapter 1 to new Subchapter 1.2; Subarticles 1-10 of nes Subchapter 1.2 to new Articles 1-10; and

Chapters 1-5 of new Article 6 to new Subarticles 1-5.
 09/02/10 ADOPT: 60804.1, 60815.1, 60820.1, 60855, 60856, 60857, 60858, 60859, 60860, 60861, 60862, 60863 AMEND: 60841, 60846, 60853 REPEAL: 60855
 09/01/10 AMEND: 234, 548.70
 09/01/10 AMEND: 234, 548.70
 08/18/10 ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5, 52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1, 55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2, 58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11, 59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6 AMEND: 51 (renumbered to 51.1), 51.1 (renumbered to 51.2), 51.2 (renumbered to 52.4), 52.3 (renumbered to 52.6), 51.9 (renumbered to 52.7), 51.5 (renumbered to 52.9), 52.6 (renumbered to 55.2), 52.2 (renumbered to 58.3), 51.4 (renumbered to 58.4), 52.1 (renumbered to 58.5), 57.2 (renumbered to 59.1), 52.5 (renumbered to 60.2), 57.3 (renumbered to 60.3), 53.1 (renumbered to 66.1), 56 (renumbered to 67.1), 56.1 (renumbered to 67.2), 56.2 (renumbered to 67.3), 56.3 (renumbered to 67.4), 56.4 (renumbered to 67.5), 56.5 (renumbered to 67.6), 56.6 (renumbered to 67.7), 56.7 (renumbered to 67.8) REPEAL: 51.3, 52, 52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4, 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10, 65, 547, 547.1
 08/13/10 AMEND: 18707
 07/08/10 AMEND: 18313.5(c)
 07/06/10 AMEND: 51000
 07/01/10 AMEND: 1859.90.1
 06/24/10 ADOPT: 1859.90.1 AMEND: 1859.90.1 renumbered as 1859.90.2, 1859.129, 1859.197
 06/24/10 AMEND: 47000, 47001, 47002
 06/23/10 AMEND: 1859.184
 06/17/10 AMEND: 18703.3
 06/17/10 ADOPT: 18313.5
 06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300

Title 3

11/09/10 AMEND: 3437
 10/27/10 AMEND: 6447, 6447.2, 6784
 10/21/10 AMEND: 3591.5(a)
 10/18/10 AMEND: 3437(b)
 10/11/10 AMEND: 3558(a)
 10/11/10 AMEND: 3855
 10/06/10 ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4 AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6)

| | | |
|----------------|---|--|
| 10/01/10 | AMEND: 3434(b) | 5210, 5211, 5212, 5220, 5230, 5231, |
| 09/27/10 | AMEND: 3 | 5232, 5240, 5250, 5260, 5265, 5266, |
| 09/27/10 | AMEND: 3437 | 5267, 5268, 5269, 5270, 5275, 5280, |
| 09/22/10 | AMEND: 3591.20(a) | 5281, 5282, 5283, 5290, 5291, 5300, |
| 09/14/10 | AMEND: 3434(b) | 5310, 5311, 5312, 5313, 5314, 5315, |
| 09/13/10 | ADOPT: 3437 | 5320, 5321, 5330, 5340, 5350, 5360, |
| 09/09/10 | AMEND: 3434(b) | 5370, 5371, 5372, 5380, 5381, 5382, |
| 09/02/10 | AMEND: 3425(b) | 5383, 5384, 5400, 5410, 5411, 5420, |
| 08/26/10 | AMEND: 3406(b) | 5421, 5422, 5423, 5430, 5431, 5432, |
| 08/26/10 | AMEND: 3406(b) | 5433, 5434, 5435, 5440, 5450, 5460, |
| 08/26/10 | AMEND: 3434(b) & (c) | 5461, 5470, 5560, 5570, 5571, 5572, |
| 08/26/10 | ADOPT: 6531 AMEND: 6502, 6511, 6530 | 5573, 5580, 5590 |
| 08/24/10 | AMEND: 3700(c) | 07/22/10 AMEND: 10300, 10302, 10305, 10310, |
| 08/19/10 | AMEND: 3423(b) | 10315, 10317, 10320, 10322, 10323, |
| 08/17/10 | AMEND: 3437 | 10325, 10326, 10327, 10328, 10330, |
| 08/16/10 | AMEND: 3425(b) and (c) | 10335, 10337 |
| 08/13/10 | AMEND: 3591.15(a) and (b) | 07/13/10 AMEND: 8034, 8035, 8042, 8043 |
| 08/11/10 | AMEND: 3437 | 07/12/10 ADOPT: 5000, 5010, 5020, 5021, 5030, |
| 08/05/10 | AMEND: 3423(b) | 5031, 5032, 5033, 5034, 5035, 5036, |
| 07/26/10 | AMEND: 3435(c) | 5037, 5038, 5039, 5050, 5051, 5052, |
| 07/20/10 | AMEND: 3437 | 5053, 5054, 5055, 5056, 5060, 5061, |
| 07/16/10 | AMEND: 3434(b) and (c) | 5062, 5063, 5064, 5080, 5081, 5082, |
| 07/13/10 | AMEND: 3591.20(a) | 5100, 5101, 5102, 5103, 5104, 5105, |
| 07/07/10 | ADOPT: 3591.24 | 5106, 5107, 5120, 5130, 5131, 5132, |
| 07/01/10 | AMEND: 3437 | 5140, 5141, 5142, 5143, 5150, 5151, |
| 06/30/10 | AMEND: 3423(b) | 5152, 5153, 5154, 5155, 5480, 5490, |
| 06/18/10 | AMEND: 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1 | 5491, 5492, 5493, 5494, 5500, 5510, |
| 06/10/10 | ADOPT: 429, 430 AMEND: 441 | 5520, 5530, 5531, 5532, 5533, 5534, |
| 06/10/10 | ADOPT: 3024.5, 3024.6, 3024.7, and 3024.8 AMEND: 3024, 3024.1, 3024.2, 3024.3, 3024.4, and 4603 | 5540, and 5550 |
| 06/09/10 | AMEND: 3434(b), (c), (d), and (e) | 06/21/10 AMEND: 8070, 8072, 8073, 8074 |
| | | 06/09/10 AMEND: 1689.1 |
| Title 4 | | Title 5 |
| 11/04/10 | AMEND: 8034, 8035, 8042, 8043 | 10/18/10 AMEND: 80015, 80015.1, 80015.2, |
| 11/02/10 | AMEND: 12480, 12488, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504, 12508 | 80015.3, 80015.4, 80021, 80021.1, |
| 10/26/10 | AMEND: 1844 | 80024.7, 80024.8 |
| 10/04/10 | ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036 | 10/18/10 ADOPT: 1216.1 |
| 09/29/10 | AMEND: 8070, 8072, 8073, 8074 | 10/01/10 AMEND: 57020 REPEAL: 50721, |
| 09/15/10 | AMEND: 10323 | 50722, 50723, 50724, 50725, 50727, |
| 09/09/10 | AMEND: 1766 | 50728, 50729, 50730, 50731, 50732 |
| 09/09/10 | AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164 | 09/13/10 ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807 |
| 08/30/10 | ADOPT: 213.2 AMEND: 211, 213, 293, 405 | 08/30/10 ADOPT: 30960, 30961, 30962, 30963, 30964 |
| 08/20/10 | AMEND: 130 | 08/24/10 REPEAL: 18015 |
| 08/16/10 | AMEND: 1689 | 08/20/10 AMEND: 80001 |
| 07/29/10 | ADOPT: 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, | 08/19/10 ADOPT: 59204.1 |
| | | 08/19/10 ADOPT: 11967.6.1 AMEND: 11967.6 |
| | | 08/09/10 ADOPT: 30010, 30011, 30012, 30013, |
| | | 30014, 30015, 30016, 30017, 30018, |
| | | 30019, 30034, 30035, 30036, 30037, |
| | | 30038, 30039, 30040, 30041, 30042, |
| | | 30043, 30044, 30045, 30046 AMEND: |
| | | 30000, 30001, 30002, 30005, 30020, |

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30021, 30022, 30023, 30030, 30032, 30033
 08/02/10 ADOPT: 4700, 4701, 4702
 07/30/10 ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010, 76240
 07/23/10 AMEND: 19816, 19816.1
 06/09/10 AMEND: 19824, 19851, 19854
Title 7
 11/09/10 AMEND: 219, 202
 10/13/10 AMEND: 212.5
 10/13/10 AMEND: 212.5
 06/21/10 AMEND: 202 REPEAL: 212
Title 8
 11/04/10 AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464
 11/02/10 ADOPT: 5197
 11/02/10 AMEND: 1504, 1637, 3622
 10/27/10 ADOPT: 1600.1 AMEND: 1600, 1601
 10/05/10 AMEND: 3395
 09/27/10 AMEND: 10232.2
 09/23/10 AMEND: 9767.3
 09/14/10 AMEND: 10253.1
 09/13/10 AMEND: 5206(d)(4)(a), 1532.2(d)(4)(a), 8359(d)(4)(a)
 09/01/10 AMEND: 1502
 08/30/10 AMEND: 4848
 08/30/10 AMEND: 5158
 08/25/10 AMEND: Appendix B following section 5207
 08/17/10 AMEND: 4885
 08/09/10 AMEND: 9767.3, 9767.6, 9767.8, 9767.12, 9767.16, 9880, 9881, 9881.1, 10139
 08/03/10 AMEND: 3563, 3651
 07/22/10 AMEND: 5278
 07/13/10 AMEND: 9789.70
 07/01/10 AMEND: 4650, 4797, 4823
 06/30/10 AMEND: 10232.1, 10232.2, 10250.1
 06/30/10 ADOPT: 17300
 06/29/10 ADOPT: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 AMEND: 16421, 16423, 16427, 16428, 16431, 16433, 16500
 06/21/10 AMEND: 344.30

Title 9

| | | | |
|----------|---|----------|---|
| 10/18/10 | ADOPT: 1810.326, 1810.376, 1810.439 AMEND: 1810.317, 1810.321, 1810.323, 1810.345, 1810.350, 1810.360, 1810.365, 1810.375, 1810.380, 1810.425, 1810.430, 1810.435, 1810.436, 1810.438, 1820.220, 1820.225, 1830.215, 1840.112, 1850.213 | | 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122 |
| 09/20/10 | ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212 | 09/23/10 | AMEND: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78 |
| 09/20/10 | ADOPT: 7213, 7213.1, 7213.2, 7213.4, 7213.5, 7213.6, 7214, 7214.1, 7214.2, 7214.3, 7214.4, 7214.5, 7214.6, 7214.7, 7214.8, 7215, 7215.1, 7216, 7216.1, 7216.2, 7218, 7220, 7220.3, 7220.5, 7220.7, 7221, 7225 AMEND: 7213.3, 7224, 7226, 7226.1, 7226.2, 7227, 7227.1, 7227.2 REPEAL: 7213, 7213.1, 7213.2, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7225 | 09/20/10 | AMEND: 2494.4.9 |
| 08/09/10 | ADOPT: 4100, 4105, 4210, 4300, 4310, 4315, 4320, 4325, 4330, 4415, 4420 | 09/16/10 | AMEND: 3006, 3007, 3007.05, 3007.2, 3007.3, 3007.6, 3008, 3010, 3011.1, 3011.2, 3011.4, 3012.2 REPEAL: 3005 |
| 07/07/10 | ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d) | 08/24/10 | AMEND: 3525, 3527, 3541, 3542, 3543, 3544, 3561, 3563, 3566, 3568, 3569, 3570, 3583, 3602, 3603, 3661, 3722 |
| 07/07/10 | ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d) | 08/05/10 | AMEND: 2646.6 |
| | | 07/30/10 | AMEND: 2699.6700 |
| | | 07/29/10 | ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31 REPEAL: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8 |
| | | 07/21/10 | ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741 |

Title 10

| | | | |
|----------|---|----------|--|
| 11/04/10 | AMEND: 2689.8(c) | | |
| 10/21/10 | AMEND: 2498.6 | 07/19/10 | ADOPT: 2274.70, 2274.71, 2274.72, 2274.73, 2274.74, 2274.75, 2274.76, 2274.77, 2274.78 |
| 10/18/10 | ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741 | 07/12/10 | AMEND: 2698.600, 2698.602 |
| 10/11/10 | ADOPT: 2278.50, 2278.51, 2278.52, 2278.53, 2278.54, 2278.55, 2278.56, 2278.57, 2278.58, 2278.59 | 07/01/10 | AMEND: 2699.200, 2699.201 |
| 09/28/10 | ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, | 06/29/10 | ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911 |
| | | 06/24/10 | AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721 |
| | | 06/09/10 | AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725 |

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| | |
|----------|---|
| 11/02/10 | ADOPT: 51.26 |
| 10/07/10 | ADOPT: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15 AMEND: 994.1, 994.2, 994.4, 994.5, 994.6 REPEAL: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16 |
| 10/06/10 | AMEND: 9040, 9041 |
| 06/09/10 | AMEND: 1005, 1018 |

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06/09/10 AMEND: 1005, 1007, 1008

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11/09/10 AMEND: 551.15, 551.17, 556, 558, 561, 586

11/08/10 AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141 REPEAL: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174

10/12/10 ADOPT: 1235.7 AMEND: 1200, 1235.1, 1235.2, 1235.4, 1256

08/12/10 ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630

07/29/10 REPEAL: 171.04

07/23/10 ADOPT: 126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08, 127.10 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22

07/16/10 AMEND: 2449, 2449.1, 2449.2

07/08/10 AMEND: 1141(b)

06/14/10 AMEND: 440.04

06/14/10 AMEND: 345.24, 345.40, 345.41, 345.46, 345.50 REPEAL: 345.42

Title 13, 17

10/19/10 AMEND: Title 13: 2025, 2449, 2449.3, 2452, 2453, 2456, 2458, 2460, 2461, 2462 and Title 17: 93116.1, 93116.2, 93116.3

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11/09/10 AMEND: 163, 164

10/27/10 AMEND: 18660.40

10/18/10 AMEND: 13800

10/11/10 ADOPT: 749.6

10/07/10 AMEND: 20030, 20040, 20050, 20060, 20070, 20080, 20090, 20100, 20110

10/05/10 AMEND: 125, 125.1

10/05/10 ADOPT: 700.3 AMEND: 105, 105.1, 106, 107, 110, 112, 116, 119, 120.2, 120.3, 102.6, 120.7, 122, 123, 124.1, 126, 147, 149.1, 150, 150.02, 150.03, 150.05, 180.3, 180.15, 700.4, 705

10/05/10 AMEND: 25231

09/21/10 AMEND: 502, 507

09/21/10 AMEND: 787.1, 787.4, 787.5, 787.6 REPEAL: 787.2, 787.9

09/08/10 AMEND: 300

08/16/10 AMEND: 918, 938, 958

08/12/10 AMEND: 6550.5

08/11/10 AMEND: 895.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9 REPEAL: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 923.9.2, 943.9.2

07/20/10 AMEND: 670.5

07/19/10 AMEND: 632

07/12/10 AMEND: 7.50

06/24/10 AMEND: 360, 361, 362, 363, 364, 555, 708, 713

06/23/10 AMEND: 919.9, 939.9

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10/14/10 ADOPT: 4168.7, 4171.5 AMEND: 4166, 4168, 4168.5, 4169, 4169.5, 4169.9, 4170.5, 4171, 4173, 4174, 4174.5, 4174.6 REPEAL: 4172

10/11/10 ADOPT: 3999.10

09/22/10 ADOPT: 3999.9

09/09/10 AMEND: 3605

08/19/10 ADOPT: 3268.3 AMEND: 3000, 3268, 3268.1, 3268.2

08/13/10 ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565

08/11/10 AMEND: 3350.2, 3352.2, 3356, 3358, 3390

08/05/10 REPEAL: 3999.3

08/05/10 REPEAL: 3999.4

08/05/10 REPEAL: 3999.5

08/04/10 ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2

07/30/10 ADOPT: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1, 3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6 AMEND: 3349

07/27/10 REPEAL: 3999.2

07/22/10 ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6

07/13/10 ADOPT: 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504

07/02/10 ADOPT: 8000, 8001, 8002

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11/08/10 AMEND: 1974, 1996.1

10/18/10 AMEND: 3394.3, 3394.4, 3394.6

10/12/10 AMEND: 1399.501, 1399. 511, 1399.520, 1399.525, 1399.526, 1399.527, 1399.545, 1399.550, 1399.556, 1399.573, 1399.612 REPEAL: 1399.508

09/30/10 AMEND: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4226, 4228, 4230, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4258, 4264

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|-----------------|--|-----------------|---|
| 09/29/10 | AMEND: 109(b)(2), 109(b)(7), 117(e)(2), 121(a)(2) | 07/19/10 | ADOPT: 1698.5 |
| 09/23/10 | AMEND: 1391.1 | 06/17/10 | AMEND: 25136 |
| 09/23/10 | ADOPT: 1399.419.1, 1399.419.2 | Title 19 | |
| 09/22/10 | ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6 | 07/13/10 | AMEND: 2729.7 and Appendix B of Article 4 |
| 09/21/10 | ADOPT: 1426.1, 1430, 1431 AMEND: 1420, 1421, 1422, 1423, 1424, 1425, 1425.1, 1426, 1427, 1428, 1428.6, 1429, 1430 (renumbered to 1432) | 06/17/10 | ADOPT: 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067 |
| 08/25/10 | AMEND: 427.10, 427.30 | Title 20 | |
| 08/18/10 | AMEND: 1721, 1723.1 | 09/01/10 | AMEND: 1601, 1602, 1604, 1605.3, 1606, 1607 |
| 08/12/10 | AMEND: 2537, 2590 | 07/08/10 | AMEND: 2401, 2402, Appendix, Subdivisions (a) and (b) |
| 07/30/10 | ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6 | Title 21 | |
| 07/21/10 | REPEAL: 1569 | 09/30/10 | AMEND: 7000 |
| 07/21/10 | ADOPT: 2262.1 AMEND: 2262, 2276 | Title 22 | |
| 07/09/10 | AMEND: 3000, 3003, 3005, 3065 REPEAL: 3006 | 11/10/10 | AMEND: 51516.1 |
| 07/09/10 | AMEND: 411 | 10/26/10 | AMEND: 97234, 97264, 97267 |
| 07/09/10 | AMEND: 3340.42 | 10/06/10 | AMEND: 100080 |
| 07/07/10 | AMEND: 3028, 3061 | 10/06/10 | AMEND: 100080 |
| 06/30/10 | AMEND: 1355.4 | 08/23/10 | AMEND: 926-3, 926-4, 926-5 |
| 06/21/10 | ADOPT: 1525, 1525.1, 1525.2 | 08/02/10 | ADOPT: 119900 |
| 06/18/10 | ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6 | 07/26/10 | REPEAL: 97300.1, 97300.3, 97300.5, 97300.7, 97300.9, 97300.11, 97300.13, 97300.15, 97300.17, 97300.19, 97300.21, 97300.23, 97300.25, 97300.27, 97300.29, 97300.31, 97300.33, 97300.35, 97300.37, 97300.39, 97300.41, 97300.43, 97300.45, 97300.47, 97300.49, 97300.51, 97300.53, 97300.55, 97300.57, 97300.59, 97300.61, 97300.63, 97300.65, 97300.67, 97300.69, 97300.71, 97300.73, 97300.75, 97300.77, 97300.79, 97300.81, 97300.83, 97300.85, 97300.87, 97300.89, 97300.91, 97300.93, 97300.95, 97300.97, 97300.99, 97300.103, 97300.105, 97300.107, 97300.109, 97300.111, 97300.113, 97300.115, 97300.117, 97300.119, 97300.121, 97300.123, 97300.125, 97300.127, 97300.129, 97300.131, 97300.133, 97300.135, 97300.137, 97300.139, 97300.141, 97300.143, 97300.145, 97300.147, 97300.149, 97300.151, 97300.153, 97300.155, 97300.157, 97300.159, 97300.161, 97300.163, 97300.165, 97300.167, 97300.169, 97300.171, 97300.173, 97300.175, 97300.177, 97300.179, 97300.181, 97300.183, 97300.185, 97300.187, 97300.189, 97300.191, 97300.193, 97300.195, |
| Title 17 | | | |
| 11/10/10 | AMEND: 50300 | | |
| 11/09/10 | AMEND: 30253, 30255, 30256 | | |
| 10/20/10 | ADOPT: 95380, 95381, 95382, 95383, 95384, 95385, 95386, 95387, 95388, 95389, 95390, 95391, 95392, 95393, 95394, 95395, 95396, 95397, 95398 | | |
| 10/13/10 | AMEND: 30100, 30195 REPEAL: 30321, 30321.1, 30322 | | |
| 09/20/10 | AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94515 | | |
| 09/09/10 | AMEND: 94801, 94804, 94805, 94806 | | |
| 09/02/10 | AMEND: 94700, 94701 | | |
| 08/30/10 | ADOPT: 95550 | | |
| 08/26/10 | AMEND: 60201, 60203, 60207, 60210, 70300, 70301, 70302, 70303, 70303.1, 70303.5, 70304, 70305, 70306 | | |
| 06/29/10 | AMEND: 100070, 100090 | | |
| 06/17/10 | ADOPT: 95460, 95461, 95462, 95463, 95464, 95465, 95466, 95467, 95468, 95469, 95470, 95471, 95472, 95473, 95474, 95475, 95476, Appendix 1 | | |
| 06/17/10 | ADOPT: 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207 AMEND: 95104 | | |
| Title 18 | | | |
| 10/18/10 | AMEND: 1020 REPEAL: 471 | | |
| 08/26/10 | AMEND: 1598 | | |

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97300.197, 97300.199, 97300.203, 97331.5, 97331.7, 97332.1, 97333.1,
 97300.205, 97300.207, 97300.209, 97333.3, 97333.5, 97333.7, 97333.9,
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 97300.217, 97300.219, 97300.221, 97333.17, 97333.19, 97333.21,
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 97300.229, 97300.231, 97320.1, 97341.3, 97341.5, 97341.7, 97342.1,
 97320.3, 97320.5, 97320.7, 97320.9, 97324.1, 97343.3, 97343.5, 97343.7,
 97320.11, 97320.13, 97320.15, 97343.9, 97343.11, 97343.13, 97345.1,
 97320.17, 97320.19, 97320.21, 97345.3, 97350.1, 97350.3, 97350.5,
 97320.23, 97320.25, 97320.27, 97350.7, 97350.9, 97352.1, 97352.3,
 97320.29, 97320.31, 97321.1, 97321.3, 97352.5, 97352.7, 97352.9, 97352.11,
 97321.5, 97321.7, 97321.11, 97321.13, 97353.1, 97353.3, 97353.5, 97353.7,
 97321.15, 97321.17, 97321.19, 97353.9, 97353.11, 97353.13, 97353.15,
 97321.21, 97321.23, 97321.25, 97354.1, 97354.3, 97354.5, 97361.1,
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 97321.51, 97321.53, 97321.55, 97370.1, 97370.3, 97370.5, 97370.7,
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 97321.87, 97321.89, 97321.91, 97383.7, 97383.9, 97383.11, 97383.13,
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 97321.103, 97321.105, 97231.107, 97385.3, 97385.5, 97390.1, 37390.3,
 97321.109, 97321.111, 97321.113, 97391.1, 97392.1, 97392.3, 97392.5,
 97321.115, 97321.117, 97321.119, 97392.7, 97392.9, 97392.11, 97392.13,
 97321.121, 97321.123, 97321.125, 97394.1, 97395.1, 97395.3, 97401.1,
 97321.127, 97321.129, 97321.131, 97401.3, 97401.5, 97402.1, 97403.1,
 97321.133, 97321.135, 97321.137, 97403.3, 97404.1, 97404.3, 97404.5,
 97321.139, 97321.141, 97321.143, 97404.7, 97404.9, 97405.1, 97405.3,
 97321.145, 97321.147, 97321.149, 97411.1, 97411.3, 97411.5, 97411.7,
 97322.1, 97322.3, 97322.5, 97322.7, 97411.9, 97411.11, 97412.1, 97412.3,
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 97323.1, 97323.3, 97323.5, 97323.7, 97413.3, 97413.5, 97413.7, 97413.9,
 97323.9, 97323.11, 97323.13, 97323.15, 97413.11, 97414.1, 97414.3, 97416.1,
 97324.1, 97324.3, 97324.5, 97324.7, 97416.3, 97416.5, 97416.7, 97416.9,
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 97324.17, 97324.19, 97324.21, 97420.3, 97420.5, 97421.1, 97425.1,
 97324.23, 97324.25, 97324.27, 97425.3, 97425.5, 97425.7, 97425.9,
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 97324.35, 97324.37, 97324.39, 97426.9, 97426.11, 97431.1, 97431.3,
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 97324.53, 97324.55, 97324.57, 97434.9
 97324.59, 97324.61, 97324.63, 07/23/10 AMEND: 66261.3, 66261.4, 66268.1,
 97324.65, 97324.67, 97324.69, 66268.7, 66268.9, 66268.124
 97324.71, 97324.73, 97324.75, 07/22/10 ADOPT: 52000, 52100, 52101, 52102,
 97324.77, 97325.1, 97325.3, 97325.5, 52103, 52104, 52500, 52501, 52502,
 97325.7, 97325.9, 97326.1, 97326.3, 52503, 52504, 52505, 52506, 52508,
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07/21/10 AMEND: 97232
06/24/10 AMEND: 51510, 51510.1, 51510.2,
51510.3, 51511, 51511.5, 51511.6,
51535, 51535.1, 51544, 54501
06/22/10 AMEND: 2706-7
06/17/10 AMEND: 51516.1

Title 22, MPP
10/11/10 AMEND: 88030
09/03/10 ADOPT: 84067 AMEND: 83064, 84001,
84076, 84079, 84087.2, 84088, 84090,
86065, 88065, 89405
07/09/10 ADOPT: 87606 AMEND: 87202, 87208,
87212, 87455, 87633

Title 23
11/4/20 ADOPT: 3929.5
09/27/10 ADOPT: 2922
09/22/10 ADOPT: 2921

09/15/10 ADOPT: 3929.4
07/19/10 ADOPT: 6932 REPEAL: 6932
07/12/10 ADOPT: 3929.3
07/12/10 ADOPT: 3919.8

Title 25
07/19/10 ADOPT: 6932 REPEAL: 6932
06/11/10 AMEND: 8315

Title 27
07/13/10 AMEND: 25705(b)

Title MPP
09/03/10 ADOPT: 31-021 AMEND: 31-003,
31-410, 31-501
08/26/10 AMEND: 40-188
08/26/10 AMEND: 44-211
08/26/10 ADOPT: 91-101, 91-110, 91-120,
91-130, 91-140
06/10/10 AMEND: 42-302, 42-712, 42-713