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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. STATE ALLOCATION BOARD**

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.2 AND 1859.77.3, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend Regulation Sections 1859.2 and 1859.77.3 contained in Title 2, California Code of Regulations (CCR). 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 Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

**AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35 and 17072.13 of the Education Code. The proposal interprets and makes specific Sections 17072.13 and 17072.35 of the Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB

adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its meeting on September 19, 2012, adopted proposed amendments to the SFP Regulations to allow qualifying school districts to use their eligibility for school bond funding for construction of Multipurpose Room (MPR)/Gymnasium Hybrid facilities. The existing SFP Regulations allow "Use of Grants" funding for multipurpose rooms or gymnasiums as separate facilities; however, the Regulations did not anticipate situations where some school districts could choose to include hybrid facilities within the same building structure and share a portion of the square footage.

An example is a K-8 school with an MPR but no gymnasium. Instead of funding a separate 7,000 square foot gymnasium, the proposed regulations will allow the school district to devote 3,000 square feet from its existing MPR toward the gymnasium function, and apply for SFP funding for only an additional 4,000 square feet of gymnasium space. The school district can save in total project costs, and allow the State to save bond costs for its 50 percent State matching share.

The proposed amendments apply to the "Use of Grants" (UOG) regulations by which school districts, under Regulation Section 1859.77.3, apply for funding for ancillary facilities including only:

- MPR
- Gymnasium (for High Schools and Middle Schools only)
- Library/Media Center
- Counseling and/or Conference Rooms (Alternative Education only)

Use of Grants. Under the SFP, a school district's eligibility for new construction State funding is determined by a formula that projects the number of unhoused pupils and assigns available new construction pupil grants. These grants are used to construct new classrooms and other buildings necessary to house and facilitate projected new students or to relieve classroom overcrowding.

However, existing SFP Regulation Section 1859.77.3 allows school districts meeting specific requirements to use these new construction pupil grants to construct an MPR, gymnasium, library (minimum essential facilities), counseling offices and/or conference rooms rather than using them to fund new classrooms. These facilities will not be funded if "adequate" size facilities already serve the school. "Adequate" square footage is calculated using the charts in SFP Regulation Section 1859.77.3 for Alternative Education projects, and Regulation Section 1859.82 for all other projects.

The existing SFP Regulations provide criteria to determine what types of facilities may be funded for schools serving elementary, middle, or high school students, and a formula to determine whether the square footage of an existing facility exceeds the threshold to qualify for State funding under the UOG option. The formula also identifies the maximum number of new construction grants that may be used to fund construction of these ancillary facilities instead of classrooms.

The proposed regulatory amendments provide square footage amounts for MPR/Gymnasium Hybrids for school sites with high school pupils and/or middle school pupils. K–6 sites are not eligible for a separate gym, so this option would not impact elementary schools. However, it could occur at middle schools, high schools, or schools that combine grade levels, such as K–8.

The proposed minimum and maximum square footage amounts were calculated based on the number of pupils that would be required to meet the minimum and maximum square footage amounts under current SFP regulations. This method was used to calculate the proposed minimum and maximum square feet for both middle school and high school hybrids, and is consistent with current regulations. The proposed \$154 per-square-foot funding amount for MPR/Gymnasium Hybrids reflects the current per-square-foot funding amount in Regulation Section 1859.82(b) for MPRs and gymnasiums. The figure is subject to adjustment through the SAB’s annual Class B Construction Cost Index adjustments.

**Fiscal Impact.** About half a dozen school districts have expressed interest in such MPR/Gymnasium Hybrid facilities, although it is not known how many may apply for SFP funding under this UOG option. It is estimated that five or fewer hybrid projects will be funded under these regulatory amendments, at an estimated \$1 million (representing the State’s share) in State bond cost per project.

An estimated five MPR/Gymnasium Hybrid facilities funded through the proposed regulations would reduce the remaining available school bond funding by about \$5 million.

There remains approximately \$758.6 million of school bond authority to be apportioned, as of October 24, 2012:

Proposition 1D	\$ 523.4 million
Proposition 55	210.7 “
Proposition 47	24.5 “
Total . . . . .	\$ 758.6 million*

\* Because SFP applications are now exceeding the remaining school bond authority, these proposed regulations will only apply to an application if more bond authority becomes available.

*Anticipated Benefits of the Proposed Regulations:*

This regulatory action will benefit school districts by allowing them to use their eligibility for school bond funding for construction of MPR/Gymnasium Hybrid facilities, sharing a portion of the square footage within the same building, and thus being able to provide pupils both functions at less cost than building separate facilities. The existing SFP Regulations allow “Use of Grants” funding for multipurpose rooms or gymnasiums as separate facilities because hybrid MPR/gymnasiums were not anticipated.

The proposed regulatory action promotes fairness and social equity by allowing some lower income school districts and their pupils to enjoy the benefits of both an MPR and gymnasium facility through the lower cost option of an MPR/Gymnasium Hybrid facility sharing square footage in the same building.

There are benefits to the health and welfare of a minimal number of California school pupils because some lower income school districts and their pupils can enjoy the benefits of both an MPR and gymnasium facility through the lower cost option of an MPR/Gymnasium Hybrid facility sharing square footage in the same building. This facilitates sporting activities, assemblies, meeting space, lunchtime seating, special events, recess area for pupils in inclement weather, and after-school programs.

There are no benefits to worker safety based on the proposed regulatory amendments. There is no impact to the State’s environment from the proposed regulations.

*The proposed regulatory amendments are as follows:*

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments would add the following definition:

“Multipurpose/Gymnasium Hybrid” means a single facility that is comprised of both a multipurpose room and a gymnasium that share common space for purposes of Section 1859.77.3. The facility must be identified as a Multipurpose/Gymnasium Hybrid by the California Department of Education.

Existing Regulation Section 1859.77.3 sets forth the criteria and permissible uses of New Construction Grant funds in accordance with Education Code Section 17072.35 and other specified purposes, including multipurpose room, gymnasium, library (minimum essential facilities), and in addition, for Alternative Education schools, counseling offices and/or conference rooms. The proposed amendments add MPR/Gymnasium Hybrid facilities as permissible uses subject to specific size, need, grade level, and square footage criteria. In addition, it is clarified that:

- schools with middle school and/or high school pupils are eligible for both one MPR and one gymnasium; and
- a school site with an adequate MPR and an adequate gymnasium is not eligible for an MPR/Gymnasium Hybrid under this Section.

Determination of Inconsistency or Incompatibility with Existing State Regulations:

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations.

The proposed amendments are within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503. The SAB finds the proposed regulatory amendments reasonably necessary to provide a lower cost option for school districts seeking to construct ancillary facilities that directly benefit the pupils.

Summary of Public Policy, Support, or Opposition.

The SAB Implementation Committee is the informal advisory body to the SAB comprised of school districts and other stakeholders in the school construction community which holds public meetings to discuss proposals in advance of presentation to the SAB. The SAB Implementation Committee discussed the issue at the June, July and August 2012 meetings, and reached a consensus on the proposed regulatory changes. Staff brought forward these proposed regulatory amendments to provide square footage funding allowances specifically for MPR/Gym Hybrid facilities for districts making a UOG request. The proposed regulatory amendments were approved by the SAB at its meeting on September 19, 2012 and there were no opposing public comments.

**IMPACT ON LOCAL AGENCIES  
OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require school districts to incur additional costs in order to comply with the proposed regulations.

**DISCLOSURES REGARDING THE PROPOSED  
REGULATORY ACTION**

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- The proposed regulations do not require a report to be submitted other than what is already required by law and existing SFP Regulations.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to school districts beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create minimal savings in school bond apportionments by the SAB versus existing law and SFP Regulations because an estimated five school districts will refrain from the higher cost of constructing a separate MPR or gymnasium in favor of the lower cost of an MPR/Gymnasium Hybrid facility sharing square footage in the same building. The State then has a reduced outlay of school bonds for its 50 percent matching share of total project costs.
- The SAB has made an initial determination that there will be no impact on housing costs.

**RESULTS OF THE ECONOMIC  
IMPACT ANALYSIS**

The proposed regulatory amendments will have a minimal impact in 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.

The SAB has determined that the adoption of the regulations will not affect businesses, including small businesses, because they are not required to comply with or enforce the regulation nor will they benefit from or be disadvantaged by the regulations. There is a negligible difference to California businesses in construction trades and industries if an estimated five school districts elect to build combined MPR and gymnasium facilities versus building separate MPRs and gymnasiums.

The proposed regulatory action promotes fairness and social equity by allowing some lower income school districts and their pupils to enjoy the benefits of both an MPR and gymnasium facility through the lower

cost option of an MPR/Gymnasium Hybrid facility sharing square footage in the same building.

*Benefits to Health and Welfare, Worker Safety, and the State's Environment:*

- There are benefits to the health and welfare of a minimal number of California school pupils because some lower income school districts and their pupils can enjoy the benefits of both an MPR and gymnasium facility through the lower cost option of an MPR/Gymnasium Hybrid facility sharing square footage in the same building. This facilitates sporting activities, assemblies, meeting space, lunchtime seating, special events, recess area for pupils in inclement weather, and after-school programs.
- There are no benefits to worker safety based on the proposed regulatory amendments.
- There is no impact to the State's environment from the proposed regulations.

**EFFECT ON SMALL BUSINESSES**

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The regulations only apply to school districts for purposes of funding school facility projects.

**SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION**

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than January 21, 2013, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations  
Coordinator

Mailing Address: Office of Public School  
Construction  
707 Third Street, Room 1–430  
West Sacramento, CA 95605

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 376–5332

**AGENCY CONTACT PERSONS**

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375–5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376–1753.

**ADOPTION OF REGULATIONS**

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

**RULEMAKING FILE**

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

**ALTERNATIVES**

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

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

**TITLE 2. STATE ALLOCATION BOARD**

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.2 AND 1859.95, ALONG WITH ONE ASSOCIATED FORM, AND TO ADOPT REGULATION SECTION 1859.95.1, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

**FORM PROPOSED FOR AMENDMENT**

*Application for Funding*, Form SAB 50-04, (Revised 06/12/09/12), referenced in Regulation Section 1859.2.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and adopt the above-referenced Regulation Sections, and to amend the above-referenced associated form, contained in Title 2, California Code of Regulations (CCR). 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 Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

**AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Section 17070.35 of the Education Code. The proposal interprets and makes specific reference Sections 17070.35, 17070.40, 17071.75, 17072.20 and 17073.10 of the Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999. The SFP has been funded by the following school bonds:

1. Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998 (Proposition 1A)
2. Kindergarten-University Public Education Facilities Bond Act of 2002 (Proposition 47)
3. Kindergarten-University Public Education Facilities Bond Act of 2004 (Proposition 55)
4. Kindergarten-University Public Education Facilities Bond Act of 2006 (Proposition 1D)

The school bond authority for the SFP is at the point of being exhausted.

The SAB, at its September 19, 2012 meeting, adopted emergency regulatory amendments to the SFP Regulations to establish an "Applications Received Beyond

Bond Authority List” for the purpose of accepting and tracking SFP project eligibility and funding applications once school bond authority has been exhausted. The proposed emergency amendments would add definitions of “Applications Received Beyond Bond Authority List,” “Bond Authority,” and “Insufficient Bond Authority” in order to implement a different process for accepting SFP applications after bond authority becomes insufficient.

The proposed adoption of Regulation Section 1859.95.1 would establish a different process for the OPSC to accept SFP eligibility and funding applications when there is insufficient bond authority, without fully processing them, without presenting them to the SAB for approval, and without placing them on the “Unfunded List” currently described in the Regulations.

The OPSC would review application packages to ensure that all required documents are submitted, which would be identified as “Approved Applications.” Approved Applications would be presented to the SAB for formal acknowledgment but not approval, and placed on the “Applications Received Beyond Bond Authority List” in the order of date received, and with the preliminary grant amounts requested by the district.

**Financial Hardship Requests.** Once there is Insufficient Bond Authority, the OPSC will not process requests for Financial Hardship status. School districts will not have to pre-apply for financial hardship status before submitting the Form SAB 50-04, *Application for Funding*. The financial hardship determinations will only be made if sufficient bond authority becomes available to process the Form SAB 50-04.

The proposed adoption of Regulation Section 1859.95.1 will not apply to Approved Applications for:

- Joint-Use funding,
- Career Technical Education Facilities Program project funding,
- Form SAB 50-04 submitted for Critically Overcrowded School Facilities funding,
- Charter School Facilities Program funding, and
- Overcrowding Relief Grant Program.

A summary of the proposed emergency regulatory amendments, including one associated form, and adoption of one new Regulation Section, is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed emergency amendments add the following three definitions:

- “Applications Received Beyond Bond Authority List” means an informational list of applications submitted to the Office of Public School Construction (OPSC) and presented to the Board. Funding applications placed on this list contain the

preliminary grant amounts requested by a district. The OPSC has not determined that the Approved Application(s) are Ready for Apportionment.

- “Bond Authority” means the authority of the Board to Apportion bond funds pursuant to Education Code Section 17070.40.
- “Insufficient Bond Authority” means the total funding requested on the Approved Application received by the OPSC exceeds the Bond Authority.

In addition, the definition of “Approved Application(s)” is amended by deleting redundancies in a listing of SAB forms, and by deleting an obsolete reference to OPSC reviews pursuant to Education Code Section 17072.25(a). The reference is obsolete because this Education Code Section applies to ranking funding applications to be funded with proceeds of State bonds approved by the voters prior to January 1, 2002. Such funds are no longer being apportioned. Finally, in the definition of Form SAB 50-04, *Application for Funding*, the proposed amendments change the revision date of the Form to “09/12.”

Existing Regulation Section 1859.95 sets forth a process for accepting SFP funding applications when the SAB has no funds to apportion, which includes processing both eligibility and funding applications, presenting them to the SAB for approval, and placing them on the “Unfunded List” to await additional bond authority becoming available. The proposed emergency amendments add the following as the first sentence in the Section:

“This Section shall not apply to Approved Applications submitted to the OPSC on or after the effective date of Section 1859.95.1.”

Proposed adoption of Regulation Section 1895.95.1 would establish a new process for handling SFP applications received when there is Insufficient Bond Authority, which would supersede the process set forth in Regulation Section 1859.95 upon the effective date of this new Section 1859.95.1. Under this new process, the OPSC will not:

- process the applications,
- present the applications to the SAB for approval, nor
- place approved projects on the existing “Unfunded List.”

Under proposed Regulation Section 1859.95.1, when there is Insufficient Bond Authority, the OPSC would accept eligibility and funding application packages to be reviewed to ensure that all required documents are submitted. Application packages that include all required documentation would be identified as “Approved Applications.” An Approved Application

would be required to include a school board resolution acknowledging that:

- the remaining SFP bond authority is exhausted for funds requested on the district’s application,
- the State is not expected nor obligated to fund the project, and there is no guarantee of future State funding,
- any potential future State bond may not provide funds for the district’s application,
- the criteria, including but not limited to funding, qualifications, and eligibility in a future State bond may be substantially different from the SFP,
- the district’s Approved Application may be returned to the district,
- the school board elects to commence pre–construction or construction activities at its own discretion and the State is not responsible for those activities, and
- if the school district intends to apply for financial hardship status, it must submit the application if bond authority becomes available for the SAB to fund the district’s submitted application.

“Approved Applications” would be placed on the “Applications Received Beyond Bond Authority List” in the order of date received, and with the preliminary grant amounts requested by the district. This list would be presented to the SAB for formal acknowledgement, but not approval.

In addition, proposed Regulation Section 1859.95.1 states that it will not constitute notification from the SAB pursuant to Government Code (GC) Section 65995.5(b)(1).

In other words, the proposed new process for handling SFP applications after bond authority has become insufficient does not constitute notification from the SAB regarding a district’s eligibility application under that GC Section nor regarding a district’s decision to impose developer fees thereunder.

Finally, the proposed Regulation Section 1859.95.1 will not apply to Approved Applications for:

- Joint–Use funding,
- Career Technical Education Facilities Program project funding,
- Form SAB 50–04 submitted for Critically Overcrowded School Facilities funding,
- Charter School Facilities Program funding, and
- Overcrowding Relief Grant Program.

Existing Form SAB 50–04, *Application for Funding*, is submitted by school districts to apply for State funding for new construction or modernization projects. The proposed emergency amendments provide for the following:

- Applicants, including applicants for financial hardship status, are advised that if there is Insufficient Bond Authority, the school district must submit a school board resolution meeting the requirements of Regulation Section 1859.95.1.
- Financial hardship applicants must check a box for either submitting with a “pre–approval” letter, or for submitting with a school board resolution pursuant to Regulation Section 1859.95.1 (Insufficient Bond Authority).
- A “Certification” is added to which the district representative must sign, that if the application is submitted when there is Insufficient Bond Authority, the district has adopted a school board resolution pursuant to Regulation Section 1859.95.1.
- A “Certification” is added to which the district representative must sign, that the district will comply with all laws pertaining to the construction or modernization of its school building.
- Two concluding data fields are added for the district representative’s name to be printed, and for the district representative’s phone number.
- Non–substantive grammatical and punctuation corrections are made.

The new process in the proposed emergency regulations prevents any expectations or reliance by school districts upon future State bond funding for SFP project applications submitted after there is insufficient bond authority. Potential risks of litigation against the State will be eliminated because such project applications must be accompanied by a written school board resolution clarifying that the State bears no responsibility or liability for project eligibility and funding applications submitted after there is insufficient bond authority. This will avoid misinterpretations of the existing process in the SFP Regulations to argue that the State bears an ongoing responsibility or liability for these projects.

As of October 16, 2012, the OPSC received applications exceeding the available new construction bond authority by approximately \$102.6 million and applications exceeding the available modernization bond authority by approximately \$161.7 million. SFP funding applications (new construction and modernization combined) are now continuing to be submitted and increasing the State’s risk of liability by a daily average of \$2.1 million per day.

Since 1998, school districts facing the exhaustion of a preceding bond’s authority have waited on an unfunded list for the passage of the next school bond, and have either been “grandfathered” into program funding (Proposition 1A provided \$1.35 billion for growth projects and \$800 million for reconstruction or modernization projects), or been apportioned because a succeeding

school bond was passed and approved by the voters which funded the projects on the unfunded list. However, the State's current financial circumstances cannot justify any reliance upon such a future school bond. It has been six years since the last school bond, and it is uncertain whether the State's financial circumstances can support a future school bond. The State cannot risk financial responsibility for a growing "Unfunded List" of expectant school construction projects beyond the authority of the existing school bonds.

**Financial Hardship Reviews Not Performed if Insufficient Bond Authority.**

Under the proposed emergency regulations, once there is Insufficient Bond Authority, the OPSC would not process requests for Financial Hardship status. The existing SFP Regulations provide for the State to bear up to 100 percent of the local school district's share of project costs if the district undergoes the process of proving that it cannot pay its local share obligation. There are costs associated to both the State and the school district in applying for Financial Hardship. The Financial Hardship review process must continue under the existing Regulations. This process will expend considerable school district time and OPSC review time that is not necessary when there is Insufficient Bond Authority. School districts' financial status may change considerably in the years ahead before another potential school bond. Under the proposed emergency regulations, school districts would not have to pre-apply for financial hardship status before submitting the Form SAB 50-04, *Application for Funding*. The financial hardship determinations would only be made if sufficient bond authority became available to process the Form SAB 50-04.

The regulatory amendments are therefore consistent and compatible with State laws and regulations.

Due to the large volume of Form SAB 50-04, this Form is not attached and may be reviewed on the Office of Public School Construction Web site at: [http://www.documents.dgs.ca.gov/opsc/Regulations/SFP\\_Proposed/12-2011/LCP\\_Amend.pdf](http://www.documents.dgs.ca.gov/opsc/Regulations/SFP_Proposed/12-2011/LCP_Amend.pdf). Copies of the amended regulatory text and forms will be mailed to any person requesting this information by using the OPSC contact information set forth below under "Submission of Comments, Documents and Additional Information".

**IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed emergency regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section

17500) of Division 4 of the Government Code. It will not require school districts to incur additional costs in order to comply with the proposed regulations.

**DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The proposed regulatory amendments will have a minimal impact in 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.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- The proposed regulations do not require a report to be submitted other than as required by law.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to school districts beyond those required by law. School bonds in support of the SFP are at the point of Insufficient Bond Authority. It is the depletion of school bond funds and not these proposed regulations that will cause school districts to lose the SFP as a source for project funding. The proposed emergency regulations clarify that the State will bear no financial liability or responsibility for district projects after there is insufficient bond authority.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.
- The proposed regulatory action promotes fairness and social equity by protecting the State (and hence all California taxpayers) from potential risk of liability for SFP funding applications submitted after there is Insufficient Bond Authority.
- There are no benefits to the health and welfare of California residents, worker safety, and the State's

environment from the proposed emergency regulations.

The SAB finds that the proposed emergency amendments are reasonably necessary to prevent expectations or reliance by school districts upon future State bond funding for SFP project applications submitted after there is insufficient bond authority. Potential risks of liability against the State will be eliminated because such project applications must be accompanied by a written school board resolution clarifying that the State bears no responsibility or liability for project eligibility and funding applications submitted after there is insufficient bond authority. This will avoid misinterpretations of the existing process in the SFP Regulations to argue that the State bears an ongoing responsibility or liability for these projects.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The regulations only apply to school districts for purposes of processing applications for SFP eligibility and funding for school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than January 21, 2013, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations  
Coordinator

Mailing Address: Office of Public School  
Construction  
707 Third Street, Room 1–430  
West Sacramento, CA 95605

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 376–5332

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375–5939. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376–1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency’s regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15–day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to

the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

#### ALTERNATIVES

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

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

### TITLE 13. AIR RESOURCES BOARD

#### NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE REGULATIONS FOR GASOLINE AND DIESEL FUEL TEST METHODS

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to regulations for Gasoline and Diesel Fuel Test Methods.

DATE: January 25, 2013

TIME: 9:00 a.m.

PLACE: South Coast Air Quality Management  
District Office  
21865 E. Copley Drive  
Diamond Bar, CA 91765

This item will be considered at the second day of the Board's January meeting, which will commence at 9:00 a.m., on January 25, 2013. Please consult the agenda for the hearing, which will be available at least 10 days before January 24, 2013, to determine the order on which this item will be considered.

#### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed amendments to California Code of Regulations, title 13, sections 2262.9, 2263, and 2282.

**Documents Incorporated by Reference:**

The following documents are incorporated by reference:

ASTM (2009), Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C<sub>1</sub> to C<sub>4</sub> Alcohols in Gasoline by Gas Chromatography, in *Annual Book of ASTM Standards*, Method D4815-09, ASTM International, West Conshohocken, Pennsylvania, 2009.

ASTM (2009), Standard Test Method for Determination of Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid Chromatography, in *Annual Book of ASTM Standards*, method D5186-03(2009), ASTM International, West Conshohocken, Pennsylvania, 2003, reapproved without change, 2009.

ASTM (2007), Standard Test Method for Determination of Benzene, Toluene, Ethylbenzene, p/m Xylene, o Xylene, C<sub>9</sub> and Heavier Aromatics, and Total Aromatics in Finished Gasoline by Gas Chromatography, in *Annual Book of ASTM Standards*, method D5580-02(2007), ASTM International, West Conshohocken, Pennsylvania, 2002, reapproved without change, 2007.

ASTM (2010), Standard Test Method for Determination of Olefin Content of Gasolines by Supercritical Fluid Chromatography, in *Annual Book of ASTM Standards*, method D6550-10, ASTM International, West Conshohocken, Pennsylvania, 2010.

ASTM (2007), Standard Test Method for Determination of Olefin Content in Denatured Ethanol by Supercritical Fluid Chromatography, in *Annual Book of ASTM Standards*, method D7347-07e1, ASTM International, West Conshohocken, Pennsylvania, 2007.

ASTM (2010), Standard Test Method for Determination of Benzene and Total Aromatics in Denatured Fuel Ethanol by Gas Chromatography, in *Annual Book of ASTM Standards*, method D7576-10, ASTM International, West Conshohocken, Pennsylvania, 2010.

ASTM (2011), Standard Test Method for Determination of Trace Oxygenates in Automotive Spark Ignition Engine Fuel by Multidimensional Gas Chromatography, in *Annual Book of ASTM Standards*, method D7754-11, ASTM International, West Conshohocken, Pennsylvania, 2011.

**Background:**

ARB regulates the physical and chemical properties of California reformulated gasoline (CARFG) and California diesel fuel (CDF) in order to reduce harmful

vehicle emissions. The regulations specify a test method to determine the presence and amount of each regulated property in a fuel sample. These test methods are updated when better methods become available or when newer versions of existing methods offer improvements in accuracy, precision, or ease of use.

ARB adopted Phase 3 CARFG regulations in December, 1999, taking effect in December, 2003. The primary change implemented in Phase 3 was the prohibition of methyl *tert*-butyl ether (MTBE) and most other oxygenates, with ethanol as the only permitted oxygenate remaining, unless a multimedia evaluation allows for an alternative. Specifications for allowable levels of MTBE and other prohibited oxygenates were added, along with specifications for denatured ethanol intended for blending with California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB).

The test method currently specified for measuring MTBE and other prohibited oxygenates is not capable of measuring these compounds at the levels specified in the regulations, and therefore neither ARB nor stakeholders have the means to determine whether a gasoline meets these regulatory requirements.

The specifications for denatured ethanol adopted in the Phase 3 CARFG regulations include limits on the allowable concentrations of benzene, total aromatic hydrocarbons, and olefins. These classes of compounds do not exist naturally in ethanol. Their presence is due to the addition of the denaturant, which is typically gasoline, and is added to discourage human ingestion of the ethanol. Since no test methods for measuring these compounds in denatured ethanol existed at the time, the regulations state that compliance is to be determined by analyzing the denaturant before it is blended into the pure ethanol. The vast majority of denatured ethanol used in California is produced outside the state, and as a result, ARB cannot adequately enforce these denatured ethanol specifications. Additionally, stakeholders such as terminal operators and fuel blenders have no way to check whether the denatured ethanol they use meets the state's requirements.

### **Objectives and Benefits:**

ARB is required to adopt and implement motor vehicle fuel specifications for the control of air contaminants and sources of air pollution, to eliminate MTBE from California gasoline, and to achieve the maximum feasible reductions from motor vehicles and motor vehicle fuels in order to attain state standards at the earliest practicable date. The CARFG and CDF regulations were designed with these goals in mind, taking into account cost-effectiveness and technological feasibility.

The proposed amendments will better enable ARB and stakeholders to adequately measure the chemical properties of CARFG and denatured ethanol to deter-

mine their compliance with ARB's fuel regulations. In addition, updates to the more recent versions of the test methods will correct errors, provide additional information, and streamline test procedures. A more detailed discussion of the purpose and benefits of the proposed amendments may be found in the Initial Statement of Reasons.

### **Staff's Proposal:**

***New test for MTBE and other prohibited oxygenates*** — ARB staff has worked with the Western States Petroleum Association (WSPA), ASTM International (formerly the American Society for Testing and Materials), and other stakeholders to develop a new test method, ASTM D7754-11, for measuring oxygenates at the low levels specified in the Phase 3 CARFG regulations. Staff is proposing the adoption of this new test method, enabling improved enforcement of the CARFG regulations.

***New test methods for denatured ethanol*** — ARB staff has worked WSPA, ASTM International, and other stakeholders to develop new test methods for measuring benzene, total aromatic hydrocarbons, and olefins in denatured ethanol. Staff is proposing the adoption of these new test methods (ASTM D7576-10 for aromatic hydrocarbons and benzene; ASTM D7347-07e1 for olefins), enabling improved enforcement of the CARFG regulations and providing the capability of testing denatured ethanol to stakeholders such as terminal operators and fuel blenders. Staff is proposing to retain the existing method of indirectly measuring these compounds in the denaturant and applying a dilution factor to determine the concentration in the denatured ethanol. However, in the event of a discrepancy between the direct testing of the denatured ethanol and the indirect testing of the denaturant, the results of testing the denatured ethanol shall take precedence.

***Updates to existing test methods*** — ARB staff works with WSPA, ASTM International, and other stakeholders on an ongoing basis to improve existing test methods. Staff is proposing to update the test methods for measuring benzene, aromatic hydrocarbons, olefins, and ethanol in CARFG and aromatics in CDF to their most recent published versions. Specifically, staff proposes that the test method for future analyses of olefins in California gasoline be updated from ASTM D6550-00 to ASTM D6550-10, for future analyses of permitted oxygenates in California gasoline be updated from ASTM D4815-04 to ASTM D4815-09, future analyses of benzene and aromatic hydrocarbons in gasoline be updated from ASTM D5580-00 to ASTM D5580-07, and future analyses of aromatic hydrocarbons and polycyclic aromatic hydrocarbons in California diesel fuel be updated from ASTM D5186-96 to

ASTM D5186–03(2009). These updates offer corrections of minor errors, new precision statements, and/or simplified test procedures.

***Change in test method for sulfur in California gasoline*** — The CARFG regulations currently allow the use of either ASTM D2622–94 or ASTM D5453–93 for the measurement of sulfur in California gasoline. Staff is proposing to eliminate the use of ASTM D2622–94 and to refer exclusively on ASTM D5453–93 for future tests, because ASTM D5453–93 is more sensitive, and therefore, more appropriate for lower levels of sulfur in gasoline.

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The proposed amendments are neither inconsistent nor incompatible with existing state regulations.

#### COMPARABLE FEDERAL REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) administers federal RFG regulations requiring that gasoline sold in various areas of the country with poor air quality meet standards for federal reformulated gasoline. Most gasoline sold in California is subject to the federal RFG standards as well as having to meet the CARFG standards. All diesel fuel sold in California is subject to both California and federal standards. These standards work complementarily.

The ARB has worked with U.S. EPA and fuel producers to avoid unnecessary duplication and conflicts between the federal and state enforcement agencies. As a result of this cooperative effort, the federal regulations allow producers and importers of California gasoline and diesel fuel to use test methods specified in the ARB's regulations in lieu of the otherwise applicable federal methods (40 CFR section 80.81(h)).

#### STATE IMPLEMENTATION PLAN REVISION

If adopted by ARB, ARB plans to submit the proposed regulatory action to the U.S. EPA for approval as a revision to the California State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

#### AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider Amendments to the Regulations for Gasoline and Diesel Fuel Test Methods."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322–2990, on December 5, 2012.

#### **Final Statement of Reasons Availability**

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

#### **Agency Contact Persons**

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Dr. Judson Cohan at (626) 575–6792 or Mr. Paul Rieger at (626) 575–6876.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322–4011, or Ms. Trini Balcazar, Regulations Coordinator, (916) 445–9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

#### **Internet Access**

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2013/diesel2013/diesel2013.htm>

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

DISCLOSURES REGARDING THE  
PROPOSED REGULATION

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would create costs to ARB of approximately \$90,000 over a five-year period. The proposed regulatory action would not create costs or savings to any other State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The CARFG and CDF regulations do not require refiners, producers, or importers to test their fuels. However, if the refiners, producers, or importers were to voluntarily choose to test their fuels using the test methods specified in the proposed amendments, they would incur costs of approximately \$1.2 million over a five-year period, equal to approximately 0.002 cents per gallon of CARFG produced. The only proposed amendment to the CDF regulations is an update to one test method; that proposed amendment streamlines the testing of CDF by reducing the number of quality control (QC) samples. As a result, if CDF refiners, producers, or importers were to test their CDF using the test method specified in the proposed amendment, they would reduce their costs due to less time performing QC and less materials and waste associated with the QC. The ARB is not aware of any cost impacts that a representative private person or any other business would necessarily incur in reasonable compliance with the proposed action. This is because the proposed amendments do not change the specifications of the CARFG or CDF and are not expected to increase the production costs.

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

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of Califor-

nia businesses to compete with businesses in other states, or on representative private persons.

STATEMENT OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT  
PREPARED PURSUANT TO GOVERNMENT  
CODE SEC. 11346.3(b)

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

BENEFITS OF THE PROPOSED REGULATION

The proposed amendments are simply changing or updating test methods that are specified in CARFG and CDF regulations. No direct impacts to the health, safety, and welfare of California residents, worker safety, or the state's environment and quality of life are anticipated. No economic benefits are expected from the proposed regulatory action.

EFFECT ON SMALL BUSINESS

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because only gasoline refiners are affected, and no gasoline refiners are small businesses.

ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board (which includes during preliminary workshop activities), would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections

60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Chapter 6 of the ISOR.

#### SUBMITTAL OF COMMENTS AND WRITTEN COMMENT PERIOD

Interested members of the public may also present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on December 10, 2012. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after December 10, 2012 and received no later than 12:00 noon January 23, 2013, and must be addressed to the following:

Postal mail: Clerk of the Board,  
Air Resources Board  
1001 I Street, Sacramento, CA 95814

Electronic submittal:  
<http://www.arb.ca.gov/lispub/comm/bclist.php>

**You can sign up online in advance to speak at the Board meeting** when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

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

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

#### STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600,

39601, 43013, 43013.1, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43013, 43013.1, 43016, 43018, 43101, and 43830.8, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

#### HEARING PROCEDURES

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

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

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

#### SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

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

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.

- Documentos disponibles en un formato alterno u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

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

## TITLE 16. VETERINARY MEDICAL BOARD

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in the Hearing Room at 2005 Evergreen Street, Sacramento, California, at 10:00 a.m. on Wednesday, January 30, 2013.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, January 21, 2013, or must be received by the Board at the hearing.

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

### Authority and Reference:

Pursuant to the authority vested by Section 4808 of the Business and Professions Code, and to implement, interpret or make specific Sections 4841.5, 4842.5, and 4843 of said Code, the Board is considering changes to Division 20 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST

- A. Informative Digest  
BPC section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may

be reasonably necessary to enable it to carry into effect the provisions of the California Veterinary Medicine Practice Act.

This regulatory proposal will adopt CCR sections 2064, 2066, and 2066.1 and amend CCR sections 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.8.3, and 2065.9.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The purpose of the Veterinary Medical Board (Board) proposed language is to clarify and make specific that California and out-of-state registered veterinary technician (RVT) schools or degree programs accredited by the American Veterinary Medical Association (AVMA) are accepted as Board-approved educational programs.

The Board has determined that this regulatory proposal will have the following benefits. The proposed language benefits the health and welfare of California residents because RVT students/graduates benefit with the change in language by ensuring all AVMA-accredited programs are accepted by California as Board-approved. It does not affect worker safety, and does not affect the state's environment.

C. Consistency and Compatibility with Existing State Regulations

This Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

### FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations adopt new and amend current sections of law to clarify and make them more accurate.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

##### Impact on Jobs/Businesses:

The Veterinary Medical Board 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 existing businesses or the expansion of businesses in the State of California.

The Board has determined the proposed language clarifies and makes specific that California and out-of-state RVT schools or degree programs accredited by the AVMA are accepted as Board-approved educational programs and will not create or eliminate jobs within the State of California.

##### Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits. The proposed language benefits the health and welfare of California residents because RVT students/graduates benefit with the change in language by ensuring all AVMA-accredited programs are accepted by California as Board-approved. It does not affect worker safety, and does not affect the state's environment.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Sacramento, California 95815.

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

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

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

#### CONTACT PERSON

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

Name: Karen Robison  
Address: Veterinary Medical Board  
2005 Evergreen Street #2250  
Sacramento, CA 95815  
Telephone No.: 916-263-2617  
E-Mail Address: karen.robison@dca.ca.gov

The backup contact person is:

Name: Sue Geranen, Executive Officer  
Address: Veterinary Medical Board  
2005 Evergreen Street #2250  
Sacramento, CA 95815  
Telephone No.: 916-263-2610  
E-Mail Address: vmb@dca.ca.gov

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

#### TITLE 18. FRANCHISE TAX BOARD

As required by Government Code section 11346.4, this is notice that a public hearing has been scheduled to

be held at 1:00 p.m., February 6, 2013, at the Franchise Tax Board, 9646 Butterfield Way, Golden State Room A/B, Sacramento, California, to consider the amendment of Section 25106.5 under Title 18 of the California Code of Regulations (“Regulation”), pertaining to the assignment of sales of tangible personal property for sales factor purposes.

An employee of the Franchise Tax Board (“the Board”) will conduct the hearing. Interested persons are invited to present comments, written or oral, concerning the proposed regulatory action. It is requested, but not required, that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action if any person makes such request in writing.

#### WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., February 6, 2013. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

#### AUTHORITY AND REFERENCE

Section 19503 of the Revenue and Taxation Code (“RTC”) authorizes the Board to prescribe regulations necessary for the enforcement of Part 11 (commencing with section 23001) of the RTC. Additionally, RTC section 25106.5, subdivision (a), specifically authorizes the Board to adopt regulations as necessary or appropriate to carry out the purposes of RTC section 25106.5. The proposed regulatory action interprets, implements, and makes specific RTC section 25106.5.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws and Regulations

Taxpayers that have business activities within and without California are required to determine the amount of income properly attributed to activities in California pursuant to the Uniform Division of Income for Tax Purposes Act (“UDITPA,” RTC sections 25120–25141). Under UDITPA, business income is assigned to California either through the application of a four-factor (property factor, payroll factor, and double-weighted sales factor), a three-factor (property factor, payroll factor, and single-weighted sales factor),

or a single sales factor (sales factor only) apportionment formula (see RTC sections 25128 and 25128.5).

The sales factor is a fraction, the numerator of which is the taxpayer’s sales in California and the denominator of which is the taxpayer’s sales everywhere during the taxable year. RTC section 25135 provides the sales factor numerator assignment rules for sales receipts from sales of tangible personal property.

RTC section 25135, operative December 1, 2000, generally provided that sales receipts from sales of tangible personal property are in this state if (a) the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; and (b) the property is shipped from an office, store, warehouse, factory, or other place of storage in this state and (1) the purchaser is the United States government or (2) the taxpayer is not taxable in the state of the purchaser.

The Board adopted existing Regulation section 25106.5 in 2000, which required assignment of sales receipts from sales of tangible personal property to the sales factor numerator of a jurisdiction only when the member of a combined reporting group making the sales had established nexus with that jurisdiction.

In 2009, the California Legislature amended RTC section 25135. As amended, for taxable years beginning on or after January 1, 2011, RTC section 25135 requires that sales receipts from sales of tangible personal property delivered or shipped to a purchaser in California be assigned to the California sales factor numerator if the seller or any member of the seller’s combined reporting group is taxable in California. In addition, all sales receipts from sales of tangible personal property delivered to a state other than California are not assigned (thrown back) to the California sales factor numerator of the seller if any member of the seller’s combined reporting group is taxable in that state.

##### Objectives of and Anticipated Benefits from the Proposed Regulation

The 2009 amendment to RTC section 25135 changed the combined report mechanics in apportioning taxpayers’ income attributable to activities in California as set forth in existing Regulation section 25106.5. The proposed amendments to existing Regulation section 25106.5 are necessary to provide guidance to implement such change in law.

Multistate taxpayers will benefit from having direction on when and how to assign sales receipts from sales of tangible personal property to the California sales factor to properly apportion income among different jurisdictions in compliance with recently amended statute. There are no benefits of the proposed regulation to the health and welfare of California residents, worker safety, and the state’s environment.

Evaluation of Proposed Regulation with Respect to Existing State Regulations

The Franchise Tax Board has evaluated and determined that adoption of the proposed amendments to this regulation is not inconsistent with or incompatible with existing state regulations. There are no other comparable existing state regulations.

Existing Comparable Federal Regulation

There are no Federal regulations comparable to the proposed Regulation section 25106.5 because the Federal government does not use a formulary apportionment method of apportioning income among or between countries or states.

**SPECIFIC PROPOSAL**

Existing Regulation section 25106.5 instructs taxpayers to determine their income attributable to California based on its own California apportionment percentage. However, under RTC section 25135, as amended in 2009, California source total group combined report business income must be determined first based on the group's California apportionment percentage. The resulting amount is then assigned to each taxpayer member through the intrastate apportionment process.

Subsection (b) of existing Regulation section 25106.5 defines terms that apply to all regulations adopted under RTC section 25106.5, which relate to California combined reporting rules. Three new definitions are added so that terms used in the proposed amendments are defined.

Proposed subsection (b)(20) defines the term "California apportionment percentage" to mean the fraction used to apportion the total group combined report business income to California.

Proposed subsection (b)(21) defines the term "intrastate apportionment" to mean the method by which the California source total group combined report business income is assigned to each of the taxpayer members of the combined reporting group.

Proposed subsection (b)(22) defines the term "intrastate apportionment percentage" to mean the percentage applied by a specific taxpayer member to the California source total group combined report business income to determine that member's share of the group's California source apportioned income.

Existing Regulation section 25106.5(c) sets forth the steps in determining California source income or loss from the business income of a combined report group. Existing subsection (c)(7) provides the detailed guidance on how to compute a taxpayer member's California source total group combined report business income based on its own California apportionment percentage, and this is where most of the amendments being pro-

posed are located (other than those set forth above at subsections (b)(20), (b)(21), and (b)(22) to add new definitions):

Existing subsection (c)(7) will be retained, except for insertion of applicable dates of taxable years beginning on or after April 22, 1999, and before January 1, 2011, and will be renumbered to subsection (c)(7)(B).

Proposed new subsection (c)(7)(A) is added to the existing Regulation section 25106.5.

Proposed subsection (c)(7)(A)1 provides that a group's California source combined report business income is computed by multiplying the total group combined report business income for the accounting period of the principal member by the group's California apportionment percentage.

Subsection (c)(7)(A)1.a. provides the guidance for determining the group's California apportionment percentage under the different apportionment formulas of single-sales factor, double-weighted sales factor, and single-weighted sales factor.

Subsection (c)(7)(A)1.b. provides further guidance regarding the California property factor, payroll factor, and sales factor of the combined reporting group for the application of subsection (c)(7)(A).

Proposed subsection (c)(7)(A)2. provides the intrastate apportionment method to assign the California source total group combined report business income between the taxpayer members of the group. The group's California source combined report business income is multiplied by a taxpayer member's intrastate apportionment percentage to arrive at that taxpayer member's California source combined report business income.

Subsection (c)(7)(A)2.a. provides guidance regarding each taxpayer member's California property factor, payroll factor, and sales factor.

Subsection (c)(7)(A)2.b. provides guidance on how to determine each taxpayer member's California apportionment percentage under the different apportionment formulas of single-sales factor, double-weighted sales factor, and single-weighted sales factor.

Subsection (c)(7)(A)2.c. provides the approach to determine the taxpayer member's intrastate apportionment percentage.

Subsection (c)(7)(A)2.d. provides that the taxpayer member computes its California source combined report business income by multiplying the group's California source combined report business income by its intrastate apportionment percentage.

Proposed subsection (c)(7)(A)3 provides detailed examples to illustrate the rules set forth in this subsection (c)(7)(A).

Existing Regulation section 25106.5(g) is deleted because subparagraphs (A) and (B) of Regulation section 25106.5(c)(7), as proposed, set forth the respective ap-

licable taxable years to which the amendments and existing regulation provisions will apply, respectively.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on Local Agencies and School Districts

The Board is not aware of any mandate on local agencies or school districts that would be created by reasonable compliance with the proposed regulation.

Cost or Savings to State Agencies, Local Agencies or School Districts, and Federal Funding

It is estimated that the 2009 legislation produces a net revenue gain of about \$12 million annually to the state. The proposed amendments to Regulation section 25106.5 to implement this legislation will not have any additional fiscal impact on state government.

The Board is not aware of any cost or savings to any state agency, any cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state, that will result from the proposed amendments to the regulation.

Economic Impact on Business and the Ability of California Businesses to Compete

The Board is not aware of any significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Potential Cost Impact on Private Persons or Businesses

The Board has made an initial determination that the adoption of the proposed amendments to the regulation will not result in costs incurred by private persons or businesses for reasonable compliance with the proposed action.

Effect on Jobs and Business in California

The Board is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state.

Since the 2009 legislation is estimated to raise net private-sector costs, it is expected to result in net job losses in the long run. However, the proposed amendments to Regulation section 25106.5 to implement this legislation would not have any additional impact on the number of jobs or businesses created or eliminated, or on the expansion of business currently doing business within the state, beyond that resulting from the 2009 legislative change.

Impact on Small Business

The Board has made an initial determination that the adoption of the proposed regulation will not affect small businesses as generally multi-state corporations are not considered small businesses and this proposed regulation will apply only to multi-state corporations.

Impact on Housing Costs

The Board is not aware of any significant effect on housing costs that will be incurred by reasonable compliance with the proposed amendments to the regulation.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Pursuant to Government Code section 11346.3, subdivision (b), the Franchise Tax Board has determined in the economic impact analysis that there are no effects on the creation or elimination of jobs in the state, no effect on the creation of new businesses or elimination or expansion of existing businesses within the state and that the proposed regulation will benefit taxpayers by providing direction on how to comply with a statute that now prescribes use of the *Finnigan* method of assigning receipts from sales of tangible personal property.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment: None.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

An initial statement of reasons has been prepared setting forth the facts upon which the proposed regulatory action is based. The statement includes the specific purpose of the proposed regulatory action and the factual basis for determining that the proposed regulatory action is necessary.

The express terms of the proposed text of the regulation, the initial statement of reasons and the rulemaking file are prepared and available upon request from the agency contact person named in this notice. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

#### CHANGE OR MODIFICATION OF ACTIONS

The proposed regulatory action may be adopted after consideration of any comments received during the comment period.

The regulation may also be adopted with modifications if the changes are nonsubstantial or the resulting regulation is sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulation as modified could result from that originally proposed. The text of the regulation as modified will be made available to the public at least 15 days prior to the date on which the regulation is adopted. Requests for copies of any modified regulation should be sent to the attention of the agency officer named below.

#### ADDITIONAL COMMENTS

If you plan on attending or making an oral presentation at the regulation hearing, please contact the agency officer named below.

The hearing room is accessible to persons with physical disabilities. Any person planning to attend the hearing who is in need of a language interpreter or sign language assistance should contact the officer named below at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

#### CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at Franchise Tax Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Telephone (916) 845-3306; Fax (916) 845-3648; E-Mail: [Colleen.Berwick@ftb.ca.gov](mailto:Colleen.Berwick@ftb.ca.gov). In addition, all questions on the substance of the proposed regulation can be directed to John Su; Telephone (213) 897-5222; E-Mail:

[John.Su@ftb.ca.gov](mailto:John.Su@ftb.ca.gov). This notice, the initial statement of reasons and express terms of the proposed regulation are also available at the Franchise Tax Board's website at [www.ftb.ca.gov](http://www.ftb.ca.gov).

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND GAME

##### Department of Fish and Game — Public Interest Notice

For Publication December 7, 2012  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Meridian Business Park Project  
(2080-2012-015-06)  
Riverside County

The Department of Fish and Game (Department) received a notice on November 21, 2012, that March Joint Powers Authority proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves the relocation and enhancement of the riparian drainage adjacent to Van Buren Blvd. (2.3 acres) and restoration of an historic drainage (1.9 acres) to offset impacts to Corps jurisdictional waters. The proposed project will occur at the former March Air Force Base in Riverside County, California.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File No. FWS-WRIV-09B0221-09F1185)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on October 14, 2009, which considered the effects of the project on the state and federally endangered Least Bell's Vireo (*Vireo belli pusillus*).

Pursuant to California Fish and Game Code section 2080.1, March Joint Powers Authority is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed project, March Joint Powers Authority will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the project.

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**Notice to Interested Parties  
December 7, 2012**

**ANNOUNCEMENT OF SECOND  
PUBLIC COMMENT PERIOD**

**Draft Technical Support Document  
on Proposed Public Health Goal for  
Perchlorate in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the revised draft technical support document for a proposed updated Public Health Goal (PHG) for perchlorate in drinking water. The draft document is posted on the OEHHA web site at [www.oehha.ca.gov](http://www.oehha.ca.gov). OEHHA is soliciting comments on the draft report during a 30-day comment period that OEHHA is extending for two weeks due to the holiday season. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for receiving public input.

OEHHA will evaluate all the comments received and revise the document as appropriate. **Written comments must be received at the OEHHA address below by 5:00 p.m. on January 22, 2013**, to be considered before publication of the final document. The final document will be posted on the OEHHA web site along with responses to the major comments received during the public review and scientific comment periods.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (codified at Health and Safety Code, section 116270 et. seq.), requires OEHHA to develop PHGs based exclusively on public health considerations (Health and Safety Code section 116365(c)). PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs) as required by Health and Safety Code section 116365(a-b).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Michael Baes ([mbaes@oehha.ca.gov](mailto:mbaes@oehha.ca.gov))  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
1515 Clay St., 16th floor  
Oakland, California 94612  
Attention: PHG Project

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES  
December 7, 2012**

**RE-SCHEDULING NOVEMBER 29, 2012  
MEETING OF THE  
CARCINOGEN IDENTIFICATION  
COMMITTEE**

*(NOTE: Posted on the OEHHA web site on  
November 26, 2012)*

The November 29, 2012 meeting of the Carcinogen Identification Committee is postponed. The Governor recently made new appointments to the Carcinogen Identification Committee [link to web posting of CIC roster at [http://www.oehha.ca.gov/prop65/policy\\_procedure/CICmembers.html](http://www.oehha.ca.gov/prop65/policy_procedure/CICmembers.html)]. To accommodate the schedules of the newly appointed members, the meeting will be re-scheduled to **Friday, January 25, 2013**. The meeting will be held at the California Environmental Protection Agency Headquarters Building, *Coastal Hearing Room*, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until 5:00 p.m. or until all business is conducted.

**The meeting will be webcast:** The URL for the webcast (not active until the day and time of the meeting) is: <http://calepa.ca.gov/Broadcast/>.

If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or [cynthia.oshita@oehha.ca.gov](mailto:cynthia.oshita@oehha.ca.gov) by January 11, 2013. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is given below. The order of items on the agenda is provided for general

reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair.

- I. WELCOME AND OPENING REMARKS**
- II. CONSIDERATION OF CHEMICALS AS KNOWN TO THE STATE TO CAUSE CANCER**
  - A. 2,6-Dimethyl-N-Nitrosomorpholine**
    - Staff presentation
    - Committee discussion
    - Public comments
    - Committee discussion and decision
  - B. C.I. Disperse Yellow 3**
    - Staff presentation
    - Committee discussion
    - Public comments
    - Committee discussion and decision
- III. UPDATE OF THE SECTION 27000 LIST OF CHEMICALS WHICH HAVE NOT BEEN ADEQUATELY TESTED AS REQUIRED**
- IV. STAFF UPDATES**
- V. SUMMARY OF COMMITTEE ACTIONS**

**DISAPPROVAL DECISION**

**DECISION OF DISAPPROVAL OF REGULATORY ACTIONS**

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

**DEPARTMENT OF MOTOR VEHICLES**

**State of California  
Office of Administrative Law**

**In re:**

**Department of Motor Vehicles**

**Regulatory Action:**

**Title 13, California Code of Regulations**

**Adopt sections: 153.00, 153.02, 153.04, 153.06, 153.08, 153.10, 153.12, 153.14, 153.16, 153.18, 153.20, 153.22**

**DECISION OF DISAPPROVAL OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2012-0926-02S**

**DECISION SUMMARY**

On September 26, 2012, the Department of Motor Vehicles (DMV) submitted to the Office of Administrative Law (OAL) the proposed adoption of sections 153.00, 153.02, 153.04, 153.06, 153.08, 153.10, 153.12, 153.14, 153.16, 153.18, 153.20, and 153.22 of Title 13 of the California Code of Regulations (CCR). These regulations implement Assembly Bill 1515 (Chapter 540, Statutes of 2009) which created the Electronic Lien and Title (ELT) program, which requires that all vehicle lienholders' title information be held in an electronic format.

On November 7, 2012, OAL notified the DMV that OAL had disapproved the regulatory action because it failed to comply with the clarity and necessity standards and procedural requirements of the Administrative Procedure Act (APA).

**CONCLUSION**

For the foregoing reasons, OAL disapproves OAL file number 2012-0926-02S. Pursuant to Government Code section 11349.4(a), the DMV may resubmit revised text and corrected rulemaking file documents within 120 days of its receipt of this Decision of Disapproval. Prior to any resubmission of this action to OAL for review, DMV shall send its revised text to all those persons listed in title 1 CCR section 44 and allow for at least 15 days for comment pursuant to Government Code section 11346.8(c). The DMV shall also make any addendum to the ISR and any technical, theoretical, or empirical study, report, or similar document which it relies upon in the proposed action available to the public for comment for a period of at least 15 days pursuant to Government Code section 11347.1.

Date: November 14, 2012

\_\_\_\_\_  
Dale Mentink  
Senior Staff Counsel

For: Debra M. Cornez  
Director

Original: George Valverde  
Copy: Ally Grayson

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

File# 2012-1010-02  
AIR RESOURCES BOARD  
Low Carbon Fuel Standard 2011

The California Air Resources Board (ARB) adopted the Low Carbon Fuel Standard (LCFS) in 2010. This program is designed to force a reduction of 10 percent in the average carbon density of transportation fuels by 2020. This is designed to reduce greenhouse emissions by reducing the full fuel-cycle, carbon intensity of the transportation fuel pool used in California. This rule-making amends the LCFS by adding reporting requirements, credit trading, regulated parties opt-in and opt-out provisions. A computer model, the Oil Production Greenhouse Gas Emissions Estimator is incorporated by reference. This model is designed to generate carbon intensity values for the crude oil production and transport to California refineries. Additionally, ARB is establishing an application process for innovative crude production methods. If an innovative crude production method is approved the regulated party can receive credit under the LCFS regulations for use of that method. There are numerous other clarifying changes made to the regulations.

Title 17  
California Code of Regulations  
ADOPT: 95480.2, 95480.3, 95480.4, 95480.5  
AMEND: 95480.1, 95481, 95482, 95484, 95485, 95486, 95488, 95490  
Filed 11/26/2012  
Effective 11/26/2012  
Agency Contact: Amy Whiting (916) 322-6533

File# 2012-1012-01  
BOARD OF REGISTERED NURSING  
Sponsored Free Health Care Events — Requirements for Exemption

This rulemaking action establishes the requirements for out-of-state licensed nurses to be authorized to

practice in sponsored free health care events in California. The action also establishes, among other things, the record keeping and reporting requirements for event sponsors.

Title 16  
California Code of Regulations  
ADOPT: 1495, 1495.1, 1495.2, 1495.3, 1495.4  
Filed 11/27/2012  
Effective 11/27/2012  
Agency Contact: Alcidia Valim (916) 574-7684

File# 2012-1010-01  
Commission on Peace Officer Standards and Training  
Renumbering of Division 9, Chapter 3, 4, 5, & 7 back to Division 2

This change without regulatory effect by the Commission on Peace Officer Standards and Training repeals Division 9 of Title 11 and moves all Division 9 chapters to Title 11, Division 2. This reorganization returns the chapters to their former location, in Division 2.

Title 11  
California Code of Regulations  
AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960  
Filed 11/26/2012  
Agency Contact: Patti Kaida (916) 227-4847

File# 2012-1011-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Motor Oil Fee

These amendments concern the State's collection of a motor oil fee and related matters. The current proposal increases the fee to four cents (\$0.04) per gallon until January 1, 2018, and then returns it to three cents (\$0.03) per gallon if a regulation establishing a different fee is not promulgated by January 1, 2018. The proposals also add definitions and details regarding how the fee is calculated and including a Motor Oil Return Form, an exemption from the fee for those dealing in less than 5,000 gallons, how to seek fee reimbursement, record keeping provisions, and other related amendments.

Title 4  
California Code of Regulations  
ADOPT: 4305, 4309 AMEND: 4300, 4302, 4304, 4306, 4307, 4308  
Filed 11/27/2012  
Effective 12/27/2012  
Agency Contact: Kevin Batchelor (916) 229-3000

File# 2012-1109-02  
 HASTINGS COLLEGE OF THE LAW  
 Conflict-of-Interest

This is a Conflict-of-Interest Code filing that has been approved by FPPC and is being submitted for filing with the Secretary of State and printing only.

Title 2  
 California Code of Regulations  
 AMEND: 54100  
 Filed 11/28/2012  
 Effective 12/28/2012  
 Agency Contact: Leah De Muynck (415) 565-4851

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN July 4, 2012 TO  
 November 28, 2012**

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

**Title 1**

11/13/12 AMEND: 1, Appendix A

**Title 2**

11/28/12 AMEND: 54100  
 11/09/12 ADOPT: 599.945.4 AMEND: Article 27.5 heading  
 11/08/12 AMEND: 18723  
 11/06/12 REPEAL: 56600  
 11/06/12 REPEAL: 52000  
 11/06/12 REPEAL: 52300  
 11/01/12 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95  
 10/23/12 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.107, 1859.193, 1859.194, 1859.197  
 10/22/12 ADOPT: 599.944, 599.946, 599.947  
 10/18/12 AMEND: 1575  
 10/18/12 ADOPT: 577, 578  
 10/17/12 AMEND: 20804  
 10/03/12 ADOPT: 18730.1  
 10/02/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193  
 09/20/12 ADOPT: 59730  
 09/19/12 AMEND: 1155.250, 1155.350  
 09/14/12 REPEAL: 52100

09/10/12 ADOPT: 59650  
 08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200  
 08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3  
 08/13/12 ADOPT: 59720  
 08/07/12 AMEND: 18640  
 07/16/12 AMEND: 18215.3  
 07/09/12 ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8

**Title 3**

11/15/12 AMEND: 3435(b)  
 10/29/12 ADOPT: 1352.4 AMEND: 1351, 1358.4  
 10/23/12 ADOPT: 3639  
 10/23/12 ADOPT: 3439  
 09/21/12 AMEND: 3437(b) and (c)  
 09/18/12 AMEND: 6449.1, 6486.7  
 09/12/12 AMEND: 3700(c)  
 09/12/12 AMEND: 3435(b)  
 08/24/12 AMEND: 3406(b)  
 08/22/12 AMEND: 6800(b)  
 08/20/12 AMEND: 3435(b)  
 08/06/12 AMEND: 3435(b)

**Title 4**

11/27/12 ADOPT: 4305, 4309 AMEND: 4300, 4302, 4304, 4306, 4307, 4308  
 10/30/12 AMEND: 5000, 5052  
 10/29/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060  
 10/17/12 AMEND: 1656  
 10/17/12 AMEND: 1656  
 10/16/12 ADOPT: 1581.2  
 10/10/12 AMEND: 1867  
 09/27/12 AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540  
 09/12/12 ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392 AMEND: 12360  
 09/04/12 AMEND: 10032, 10033, 10034, 10035  
 08/30/12 ADOPT: 1489.1  
 08/29/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5190, 5200, 5230, 5370, 5170, 5350 REPEAL: 5133  
 08/01/12 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580  
 08/01/12 AMEND: 5000, 5052  
 07/26/12 AMEND: 8070

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07/26/12 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354  
 07/23/12 AMEND: 8035  
 07/16/12 AMEND: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057

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11/01/12 AMEND: 18407, 18422  
 10/31/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627  
 09/27/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627  
 09/27/12 AMEND: 3000, 3010, 3021, 3021.1, 3022, 3023, 3024, 3025, 3027, 3028, 3042, 3051.4, 3051.75, 3051.8, 3051.9, 3051.12, 3051.13, 3051.17, 3051.18, 3052, 3053, 3062, 3063, 3064, 3066, 3067, 3069, 3080, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3088.1, 3088.2, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099, 3100  
 09/06/12 AMEND: 1216.1  
 08/09/12 AMEND: 40403  
 08/09/12 AMEND: 59400, 59402, 59404, 59406, 59408  
 08/09/12 AMEND: 40500  
 08/09/12 ADOPT: 40541  
 08/09/12 AMEND: 40407.1  
 08/08/12 ADOPT: 40540  
 08/08/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854  
 07/31/12 AMEND: 19816, 19816.1, 19845.2

**Title 7**

07/03/12 AMEND: 219

**Title 8**

10/31/12 ADOPT: 6625.1 AMEND: 6505  
 10/23/12 AMEND: 1593, 3650  
 10/18/12 AMEND: 6325  
 10/02/12 ADOPT: 1613.11, 1613.12 AMEND: 1600, 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613, 1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1, 4885, 4999  
 10/02/12 AMEND: 4297  
 09/25/12 AMEND: 2950, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427 REPEAL: 3428  
 09/05/12 AMEND: 1512, 2320.10, 2940.10  
 09/04/12 AMEND: 5189, 5192(a)(3), 5198(j)(2)(D)2., 1532.1(j)(2)(D)2.  
 08/07/12 ADOPT: 3558 AMEND: 3207, 4184

07/30/12 ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604

**Title 9**

07/27/12 AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358, 7400

**Title 10**

11/19/12 AMEND: 2698.401  
 11/13/12 AMEND: 2498.4.9  
 08/30/12 AMEND: 2468.5  
 08/27/12 AMEND: 260.204.9  
 08/22/12 ADOPT: 2327, 2327.1, 2327.2  
 08/03/12 ADOPT: 2561.1, 2561.2  
 07/19/12 AMEND: 2698.302  
 07/19/12 AMEND: 2699.301  
 07/19/12 AMEND: 5501, 5506

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11/26/12 AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960  
 11/15/12 AMEND: 1005, 1007, 1008  
 11/15/12 AMEND: 1005  
 09/18/12 AMEND: 410, 411, 415, 416, 417, 420, 421, 425 REPEAL: 419, 419.1  
 07/31/12 AMEND: 999.16, 999.17, 999.19, 999.22

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11/13/12 AMEND: 1200, 1239  
 11/06/12 ADOPT: 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218  
 10/15/12 ADOPT: 2477.1, 2477.2, 2477.3, 2477.4, 2477.5, 2477.6, 2477.7, 2477.8, 2477.9, 2477.10, 2477.11, 2477.12, 2477.13, 2477.14, 2477.15, 2477.16, 2477.17, 2477.18, 2477.19, 2477.20, 2477.21 AMEND: 2477  
 10/09/12 AMEND: 2260, 2261, 2264, 2265, 2265.1, 2266, 2266.5, 2271 REPEAL: 2258  
 09/25/12 AMEND: 156.00, 156.01  
 09/14/12 AMEND: 2479  
 08/07/12 ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)  
 08/07/12 ADOPT: 1961.2, 1961.3 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, 2317

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08/02/12 ADOPT: 426.00  
 07/30/12 AMEND: 1268, 1270.3  
 07/12/12 ADOPT: 345.58, 345.73 AMEND:  
 345.50, 345.52, 345.56, 345.74, 345.78,  
 345.86, 345.88, 345.90 REPEAL:  
 345.54, 345.58, 345.60

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09/14/12 AMEND: 2299.2, 93118.2

**Title 14**

11/19/12 AMEND: 632  
 11/07/12 AMEND: 701  
 11/06/12 ADOPT: 1052.5 AMEND: 895, 916.9,  
 1052, 1052.1, 1052.2  
 11/02/12 AMEND: 163, 164  
 10/29/12 AMEND: 18660.5, 18660.6, 18660.7,  
 18660.8, 18660.9, 18660.10, 18660.11,  
 18660.12, 18660.13, 18660.15,  
 18660.16, 18660.17, 18660.18,  
 18660.19, 18660.20, 18660.21,  
 18660.22, 18660.30, 18660.31,  
 18660.32, 18660.33, 18660.34,  
 18660.35, 18660.36, 18660.37,  
 18660.38, 18660.39, 18660.41, 18660.43  
 10/18/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,  
 1665.5, 1665.6, 1665.7, 1665.8  
 10/03/12 AMEND: 300  
 10/02/12 AMEND: 632  
 09/27/12 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4,  
 1667.5, 1667.6  
 09/25/12 AMEND: 18660.40  
 09/21/12 AMEND: 502  
 09/12/12 AMEND: 18660.17, 18660.19, 18660.31  
 09/07/12 AMEND: 300  
 08/31/12 ADOPT: 671.8 AMEND: 671.1  
 08/14/12 AMEND: 13055  
 08/02/12 ADOPT: 2231, 2301 AMEND: 2000,  
 2200, 2230, 2235, 2240, 2245, 2300,  
 2305, 2310, 2320  
 07/26/12 AMEND: 18836  
 07/12/12 AMEND: 790, 851.20, 851.21, 851.22,  
 851.25, 851.26, 851.27, 851.27.1,  
 851.28, 851.29, 851.30, 851.31, 851.32  
 07/09/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,  
 1665.5, 1665.6, 1665.7, 1665.8

**Title 15**

10/25/12 ADOPT: 3999.14  
 10/22/12 AMEND: 3019, 3044, 3091, 3120  
 10/18/12 ADOPT: 3999.13  
 10/17/12 ADOPT: 3375.6 AMEND: 3000, 3375  
 10/04/12 ADOPT: 3352.3 AMEND: 3350.1, 3352,  
 3352.1, 3352.2, 3354, 3354.2, 3355.1,  
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 09/25/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1,  
 1748.5 AMEND: 1700, 1706, 1712,

1714, 1730, 1731, 1740, 1747, 1747.1,  
 1747.5, 1748, 1751, 1752, 1753, 1754,  
 1756, 1760, 1766, 1767, 1768, 1770,  
 1772, 1776, 1778, 1788 REPEAL: 1757  
 09/13/12 AMEND: 3162  
 09/13/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3,  
 3078.4, 3078.5, 3078.6 AMEND: 3000,  
 3043, 3075.2, 3097, 3195, 3320, 3323  
 08/29/12 AMEND: 2606, 2635.1, 2646.1, 2733,  
 2740, 2743, 2744  
 08/20/12 AMEND: 1006, 1007, 1008, 1012, 1013,  
 1024, 1032, 1044, 1046, 1051, 1055,  
 1056, 1058, 1059, 1062, 1063, 1069,  
 1072, 1080, 1081, 1083, 1084, 1100,  
 1104, 1125, 1140, 1141, 1143, 1144,  
 1145, 1146, 1147, 1148, 1149, 1151,  
 1203, 1205, 1206, 1208, 1217, 1241

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11/27/12 ADOPT: 1495, 1495.1, 1495.2, 1495.3,  
 1495.4  
 11/14/12 ADOPT: 1139, 1140, 1141, 1142, 1143,  
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 11/13/12 ADOPT: 2333  
 11/07/12 ADOPT: 1023.15, 1023.16, 1023.17,  
 1023.18, 1023.19  
 10/31/12 AMEND: 1425  
 10/29/12 ADOPT: 1065  
 10/25/12 ADOPT: 2.8, 11, 11.1 AMEND: 9.2  
 09/25/12 AMEND: 1514, 1525.1  
 09/25/12 AMEND: 3340.15, 3394.6  
 09/12/12 AMEND: 961 REPEAL: 933  
 09/10/12 ADOPT: 4116, 4117, 4118, 4119  
 09/07/12 AMEND: 4  
 08/30/12 ADOPT: 2557, 2557.1, 2557.2, 2557.3,  
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 08/29/12 ADOPT: 4146, 4148, 4149, 4149.1  
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 08/20/12 ADOPT: 1333, 1333.1, 1333.2, 1333.3  
 07/23/12 ADOPT: 1397.2 AMEND: 1380.4  
 07/17/12 ADOPT: 1399.23, 1399.24 AMEND:  
 1398.4  
 07/10/12 ADOPT: 3394.25, 3394.26, 3394.27

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11/26/12 ADOPT: 95480.2, 95480.3, 95480.4,  
 95480.5 AMEND: 95480.1, 95481,  
 95482, 95484, 95485, 95486, 95488,  
 95490  
 11/14/12 AMEND: 6508  
 11/02/12 AMEND: 100500  
 10/30/12 AMEND: 100060, 100070  
 10/03/12 AMEND: 95201, 95202, 95203, 95204,  
 95205  
 09/04/12 ADOPT: 30305.1, 30308.1, 30311.1

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08/30/12	AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021	08/20/12	AMEND: 87224
08/29/12	AMEND: 100800	08/13/12	AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127
08/15/12	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525	07/12/12	AMEND: 66263.18, 66263.41, 66263.43, 66263.44, 66263.45, 66263.46
07/26/12	AMEND: 94006	07/12/12	AMEND: 66268.40, 66268.48
<b>Title 18</b>		07/09/12	AMEND: 4416
10/23/12	AMEND: 313, 321	<b>Title 23</b>	
08/07/12	AMEND: 1618	11/14/12	AMEND: 1062, 1064, 1068
07/27/12	AMEND: 1684	11/13/12	ADOPT: 2924
07/10/12	AMEND: 1205, 1212, 1271	11/13/12	ADOPT: 3969.3
07/10/12	AMEND: 1105, 1120, 1132, 1161	09/06/12	ADOPT: 3959.5
07/10/12	AMEND: 1435, 1436	08/08/12	ADOPT: 3969.2
07/10/12	AMEND: 25128.5	07/30/12	ADOPT: 2923
<b>Title 20</b>		07/11/12	ADOPT: 597, 597.1, 597.2, 597.3, 597.4
10/26/12	AMEND: 1601, 1602, 1604, 1605.1, 1605.3, 1606, 1607	07/05/12	AMEND: 570, 571, 572, 573, 574, 575, 576
<b>Title 21</b>		<b>Title 25</b>	
08/28/12	AMEND: 6640, 6680	10/10/12	AMEND: 8201, 8205, 8212
<b>Title 22</b>		08/13/12	ADOPT: 7097 AMEND: 7054, 7056, 7058, 7060, 7062, 7062.1, 7072, 7076, 7078, 7104 REPEAL: 7064, 7066, 7074, 7078.1, 7078.2, 7078.3, 7078.4, 7078.5, 7078.6, 7078.7
11/13/12	ADOPT: 2707.2-1 AMEND: 3302-1	<b>Title 27</b>	
10/25/12	AMEND: 97005, 97019, 97041, 97052, 97053, 97054	11/19/12	AMEND: 25903
10/18/12	AMEND: 97240	10/10/12	AMEND: 25707
10/15/12	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75	09/20/12	AMEND: 25705(b)
09/06/12	ADOPT: 66269.2	09/12/12	AMEND: 25403(a), 25603.3(a)
		07/12/12	AMEND: 25305, 25701, 25705, 25801
		<b>Title 28</b>	
		09/06/12	ADOPT: 1300.74.73
		<b>Title MPP</b>	
		11/19/12	AMEND: 31-003, 31-021, 31-501
		11/01/12	AMEND: 42-213, 44-211

