



# California Regulatory Notice Register

REGISTER 2012, NO. 50-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 14, 2012

## PROPOSED ACTION ON REGULATIONS

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict of Interest Code — Notice File No. 2012-1204-04* ..... 1783

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2012-1203-03* ..... 1784

### TITLE 4. CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION AND FINANCING AUTHORITY

*SB 71 Sales and Use Tax Exclusion Program — Notice File No. Z2012-1204-01* ..... 1786

### TITLE 10. DEPARTMENT OF CORPORATIONS

*AB 1424 Franchise Tax Board: Delinquent Tax Debt — Notice File No. Z2012-1126-01* ..... 1791

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

*Peace Officer Psychological Evaluation — Notice File No. Z2012-1204-06* ..... 1795

### TITLE 14. FISH AND GAME COMMISSION

*Practice of Falconry — Notice File No. Z2012-1204-03* ..... 1797

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF HEALTH CARE SERVICES

*Change Reimbursement Methodology for Hearing Aids* ..... 1803

### DEPARTMENT OF MOTOR VEHICLES

*Invitation to Pre-Notice Public Discussions on Proposed Regulations Concerning  
Business Partner Automation (BPA) Program* ..... 1804

### DEPARTMENT OF PUBLIC HEALTH

*Preventive Health and Health Services Block Grant* ..... 1804

(Continued on next page)

*Time-  
Dated  
Material*

## DECISION NOT TO PROCEED

### AIR RESOURCES BOARD

*Notice of Decision Not to Proceed Concerning Clean Fuels Outlets 2012* ..... 1805

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State ..... 1805

Sections Filed, July 11, 2012 to December 5, 2012 ..... 1807

---

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

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

**PROPOSED ACTION ON REGULATIONS**

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

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT OF INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** Los Gatos–Saratoga Joint Union High School District

A written comment period has been established commencing on **December 14, 2012** and closing on **January 28, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 28, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

**AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES**

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

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

The Department of Food and Agriculture amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action which was effective on August 6, 2012. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 2, 2013.

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

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on January 28, 2013. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hear-

ing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

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

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

Anticipated Benefits from This Regulatory Action

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

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

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

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

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

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

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

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

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State. Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida IFAS Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

The Department is the only agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

#### AMENDED TEXT

This proposed emergency action expanded the quarantine area for ACP by approximately 832 square miles by including the Coachella Valley area of Riverside County. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area and existing regulated areas. The total area which would be under regulation is now approximately 21,538 square miles.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

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

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

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

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

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

#### *Small Business Determination*

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

#### *Results of the Economic Impact Analysis*

Amendment of these regulations will not:

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

Significant effect on housing costs: None.

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

#### ALTERNATIVES CONSIDERED

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

**INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

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

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

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

**TITLE 4. CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY**

**NOTICE OF PROPOSED RULEMAKING**

The California Alternative Energy and Advanced Transportation Financing Authority (“CAEATFA” or “Authority”) — pursuant to the authority vested in it by Public Resources Code Section 26009 to promulgate regulations and Public Resources Code Section 26011.8 to establish a sales and use tax exclusions (“STE”) program for Qualified Property utilized for the design, manufacture, production or assembly of Advanced Transportation Technologies or Alternative Source products, components or systems — proposes to amend and adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Authority proposes to amend Title 4, Division 13, Article 2, Sections 10032, 10033, 10034 and 10035 of the California Code of Regulations (“Regulations”) concerning the implementation of the Advanced Transportation and Alternative Source Manufacturing Sales and Use Tax Exclusion Program (“SB 71 Program” or “Program”). These regulations were initially adopted under the emergency regulation process on March 8, 2012 (OAL File # 2012-0229-03E) and re-adopted on September 4, 2012 (OAL File # 2012-0823-02EE), pursuant to Public Resources Code Section 26011.8(i). In addition, CAEATFA submitted a second re-adoption of these regulations to OAL for its consideration on December 4, 2012. These proposed regulations are substantially similar to those enacted on March 8, 2012 under the emergency rulemaking process. The Authority is soliciting input for any modifications or amendments to these proposed regulations.

**AUTHORITY AND REFERENCE**

Authority: Public Resources Code Sections 26009 and 26011.8. Revenue and Taxation Code Section 6010.8. Public Resources Code Section 26009 authorizes CAEATFA to adopt necessary regulations relating to its authority established by the Act, and Public Resources Code Section 26011.8 provides the authority to develop the Advanced Transportation and Alternative Source Manufacturing Sales and Use Tax Exclusion Program. Revenue and Taxation Code Section 6010.8 provides CAEATFA the ability to provide financial assistance in the form of sales and use tax exclusions.

Reference: Section 26011.8 of the Public Resources Code. This regulation will implement, interpret, and make specific section 26011.8 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority and authorizes the Authority to provide financial assistance, as defined, to Participating Parties (as defined in Public Resources Code Section 26003(f)) for alternative source and advanced transportation technology Projects. (See Public Resources Code Sections 26003(g)(2) and 26011.8(b)(2).)

Existing law, Senate Bill 71 of 2010, pursuant to Public Resources Code Section 26011.8, establishes the Advanced Transportation and Alternative Source Manufacturing Sales and Use Tax Exclusion Program (“Program”), which enables CAEATFA to award sales and use tax exclusion to eligible green manufacturers.

Subsequent to adoption of the initial Program regulations in June 2011, Staff continued to evaluate the SB 71 Program. This evaluation has led to the recommendation to adopt a series of modifications to the Program regulations. These changes are being proposed in response to comments and testimony made at the SB 71 oversight hearing conducted by the legislature on October 19, 2011 as well as the experience of staff in dealing with previously approved and prospective applicants. The proposed modifications to the SB 71 regulations further clarify and specify provisions and address “lessons learned” from earlier implementation of the SB 71 Program.

The proposed regulation amendments balance the needs of businesses and the state by increasing the flexibility of the Program with regard to the use of Qualified Property and allowing the Program to recapture public funds in certain circumstances. The Program will also continue to benefit the state’s environment and the fiscal health by incentivizing the manufacture of alternative source and advanced transportation products.

The proposed regulations were evaluated and not found to be inconsistent or incompatible with existing state regulations. The proposed amendments and policy objectives for each section are below.

**Section 10032. Application Requirements.**

Section 10032 sets forth the information that must be submitted by an Applicant in order to request Financial Assistance from the Authority. The proposed modification adds a requirement for Applicants to inform the Authority if their project has received any financial assistance from local governments. This additional requirement is necessary to enable CAEATFA to be in

compliance with SB 922 (Steinberg, 2011). SB 922 prohibits state funding or financial assistance to be used to support a project if the project is awarded funds from a charter city that prohibits the governing board’s consideration of a project labor agreement for a project.

Section 10032(a)(1) Clarifies a sentence in the regulation text.

*Except as otherwise provided by the Authority pursuant to subparagraph (2) below, Applications may be submitted for consideration at any time.*

Section 10032(c)(4)(B)(i)(e) Requires that Applicants provide information regarding financial assistance the project may receive from local government by adding additional language.

*Description of the sources of financing necessary for Facility completion, including the provision of financial assistance from any local governments for the project.*

**Section 10033. Eligibility Requirements and Application Evaluation.**

This Application evaluation criteria section is necessary to clarify the statutory requirement that projects be evaluated based on “the extent to which the anticipated benefit to the State from the project equals or exceeds the projected benefit to the participating party from the sales and use tax exclusion.” Staff has determined that the methodology embodied in the existing regulations could lead to a misleading or inaccurate estimate of the net benefits of a project in certain unusual circumstances, such as when applicants anticipate operating at a substantial loss for the duration of the period covered by the application. The proposed changes will address this issue so as to produce a more accurate estimate of the net benefits stemming from such projects, should any seek to apply. The scoring for typical projects which anticipate an operating profit would remain unchanged. The additional language restricts the values in the Program’s calculations to address the effects of negative numbers.

Section 10033(c)(1)(A)(i)(a) Clarifies the eligible values of “Total Capital” by adding the following new language:

*Notwithstanding the above, if the resulting value is less than the value of CAP, then Total Capital shall be equal to CAP.*

Section 10033(c)(1)(A)(i)(b) Clarifies the eligible values of “Capital Share of Output” by adding the following new language:

*Notwithstanding the above, if the resulting value is less than zero, then the capital share of output shall be calculated pursuant to the following formula:  
Capital Share of Output = Total Capital / (Total Capital + Labor)*

Section 10033(c)(2)(A) Restricts the possible values of “fractional component contribution” and “allocated share” by adding the following new language:

*Notwithstanding the above, the FCC and the AS both have a maximum value of 1.*

**Section 10034. Approval of Applications by the Authority.**

This section describes the application approval and appeal process in the event an applicant does not receive a favorable recommendation from staff to receive a sales and use tax exclusion.

Section 10034(f) This modification corrects an error in the regulation text, which currently describes the process by which Applicants will be notified of the amount of sales and use tax exclusion that was approved by the Authority, when in fact, the Authority approves a dollar value of Qualified Property which staff uses to estimate an amount of sales and use tax exclusion. This change corrects the error in terminology.

*Applicants with Applications that are approved by the Authority will be notified in writing following the Authority’s board meeting at which the determination was made. The ~~dollar value amount~~ of the sales and use tax exclusion Qualified Property approved by the Authority will be stated in the letter.*

**Section 10035. Regulatory Agreement and Compliance.**

This section describes several of the legal documents and reporting that are required under the Program. It also outlines the terms of the Regulatory Agreement entered into by the Applicant and CAEATFA subsequent to Application approval. This section also includes the type of reporting the approved applicant is required to submit annually, such as a certification that the qualified property was used for the purposes specified in the application as well as a compliance report with information on the number of jobs created and total numbers of units sold.

Section 10035(b)(1)(C) The current regulations require that CAEATFA reconvey the Qualified Property within 10 days of Applicant’s conveyance of the equipment. The modification further specifies the time period and clarifies that the 10–day time period begins when CAEATFA received a complete original conveyance. This provision is necessary to provide further clarity to the regulation.

*A requirement that CAEATFA reconvey title within 10 days of the receipt of the ~~initial~~ original complete conveyance.*

Section 10035(b)(1)(F) The current regulations require Applicants to install and maintain equipment in California for a period equal to the term of the

regulatory agreement or three years, whichever is shorter. It was recently brought to CAEATFA’s attention that the three–year term can be restrictive to Applicants that face various business scenarios under which they may need to move some of their Qualified Property. The proposed modifications are necessary to balance the Program’s ability to accommodate various business scenarios and the State’s interests.

*A requirement that the Qualified Property be installed, maintained and operated within the State of California, except as provided by this section.*

- (i) *The Executive Director may approve a request to relocate Qualified Property outside of California in an amount up to fifteen percent (15%) of the dollar volume of Qualified Property conveyed to the Authority as of the date of the request. The amount of Qualified Property relocated shall be cumulative and the amount requested will be added to any previously approved request and compared to the dollar volume of conveyed Qualified Property to determine compliance with the fifteen percent (15%) limitation. The Executive Director shall approve a request pursuant to this section upon a finding that the relocation is part of an improvement, upgrade or increase in the economic efficiency of the Project and that approval of the requested relocation is likely to continue or increase the anticipated net benefits of the Project. Any denial of a request pursuant to this section may be reviewed by the Authority.*
- (ii) *Requests for relocation of Qualified Property in excess of the fifteen percent (15%) requirement set forth in (i) may be approved by the Authority based on a recommendation from the Executive Director and upon a finding that the relocation is part of an improvement, upgrade or increase in the economic efficiency of the Project and that approval of the requested relocation is likely to continue or increase the anticipated net benefits of the Project.*
- (iii) *Any amount of Qualified Property may be relocated outside of California upon a voluntary payment by the Applicant in an amount calculated by multiplying the original purchase price of the Qualified Property to be relocated by the average statewide sales tax rate at the time of the proposed relocation.*

Section 10035(c)(1) The current regulations refer to circumstances under which the regulatory agreement can be “rescinded” while the text of the regulatory agreement entered into between the Applicant and CAEATFA refers to “termination.” The proposed change would replace the term “rescinded” in the regulations with the term “termination” so as to make the regulations and the regulatory agreement consistent and to clarify that the act of terminating the agreement is not retroactive, but does prevent the conveyance and reconveyance of any additional Qualified Property.

*Exercise of sales and use tax exclusion. Except as noted in subparagraphs A and B below, within one year of approval by the Authority, the Applicant must make purchases of Qualified Property totaling not less than twenty-five percent (25.0%) of the total amount listed in the approval resolution; all purchases of Qualified Property must be made within three years of Application approval. Regulatory Agreements for Facilities not meeting these requirements will be ~~rescinded~~ subject to termination, and no further purchases will be excluded from the imposition of the sales and use tax.*

Section 10035(c)(3) This modification/deletion is to ensure clarity of CAEATFA’s reporting requirement terms.

*Certification letter and compliance report. During the term of the Regulatory Agreement, Applicants must submit an annual certification and compliance report. The certification letter must document that the Qualified Property was used for the purposes specified in the Application ~~for the entire period since~~ following conveyance/reconveyance as required by these regulations. The certification letter and compliance report must be submitted to the Authority by January 31 with information reported for the previous calendar year. The annual compliance report shall contain:*

Section 10035(c)(6) This modification provides CAEATFA the flexibility to consider terminating an agreement — and not just rescind an award — if an Applicant provides false information or otherwise violates the Regulatory Agreement.

*Rescission. Following a finding that an Applicant has provided false information pursuant to paragraph 5 or has otherwise violated the Regulatory Agreement, the Authority may, after written notice to the Applicant, terminate or rescind the approval resolution and conveyance/reconveyance agreement, in addition to other remedies. Applicants may request an opportunity to be heard in front of the Authority to*

*contest rescission. Any such request must be made in writing to the Authority and postmarked no later than fifteen (15) calendar days following the mailing of written notice from the Authority. Upon a final decision by the Authority, the approval resolution and conveyance/reconveyance agreement shall be rescinded, and notice of the rescission may be provided to the Board of Equalization.*

Section 10035(d) This modification is required for consistency within the new proposed regulations, and requires the Applicants to keep the Qualified Property in California for the shorter of either a) the term of the Regulatory Agreement or b) three years, unless movement of the Qualified Property had been approved under Section 10035(b)(1)(F). The following language was added to ensure the regulations were consistent:

*Recovery of Financial Assistance. The Regulatory Agreement shall contain a provision under which the Authority may seek recovery of the Financial Assistance provided plus interest at a rate to be reasonably determined by the Authority and specified in the Regulatory Agreement. The Authority may seek recovery of the Financial Assistance actually utilized in cases in which the Applicant: (1) does not meet the substantial use requirements identified in Section 10033(b)(1)(A) or (2) removes the Qualified Property purchased from the State of California prior to the shorter of (a) the expiration of the term of the Regulatory Agreement or (b) three years, except in compliance with section 10035(b)(1)(F).*

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Regulations:

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

**Cost or savings to any state agency:** The authorizing statute and Program regulations require that the Authority’s approval of Financial Assistance be limited to applications/projects that produce a net fiscal and environmental benefit to the State. It is anticipated that this Program will produce a net fiscal benefit.

**Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561:** None.

**Other non-discretionary cost or savings imposed on local agencies:** None. While the sales and use tax that is excluded could be seen as “lost revenue,” the program regulations limit the financial assistance to those

applications/projects that are anticipated to have a net fiscal and environmental benefit for the State.

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

**Significant effect on housing costs:** None.

**Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:** The Authority has made the determination that the Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In fact, the Authority finds that the proposed regulation will have a positive effect on certain businesses that are awarded financial assistance and on the state's economy and environment generally as a result of the increased economic activity and production of Alternative Source and Advanced Transportation products. This determination is based on a review of the public comments received and analysis performed by the consultant hired by the Authority to assist with the development of these proposed regulations.

#### RESULTS OF ECONOMIC IMPACT ANALYSIS

**Assessment regarding effect on jobs/businesses:** The Regulations will not have a negative effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California. The Authority finds that the proposed regulation will have a positive effect on certain businesses that are awarded financial assistance and on the state's economy and environment generally as a result of the increased economic activity and production of Alternative Source and Advanced Transportation products. This determination is unquantifiable at this time, and is based on a review of the public comments received and analysis performed by the consultant hired by the Authority to assist with the development of these proposed regulations. Furthermore, the regulations provide more flexibility for businesses awarded financial assistance by reducing existing penalties for moving Qualified Property out of state.

**Cost impact on a representative private person or business:** The Authority is not aware of any cost impacts that a representative private person would incur as a result of compliance with the proposed action. Business entities applying for the Program would incur costs associated with applying for Financial Assistance and complying with the proposed regulations; however,

these costs would constitute a small fraction of the amount of Financial Assistance awarded.

**Small Business:** The Regulations will not have an adverse impact on small business in California and will not affect small businesses since they do not impose additional restrictions or cost on small businesses.

#### CONSIDERATION OF ALTERNATIVES

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

The Authority invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

#### AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Regulations shall be submitted or directed to:

Deana Carrillo, Program Manager  
California Alternative Energy and Advanced  
Transportation Financing Authority  
915 Capitol Mall, Room 457  
Sacramento, California 95814  
Telephone: 916-651-8157  
Email: [caeatfa@treasurer.ca.gov](mailto:caeatfa@treasurer.ca.gov)

Alejandro Ruiz, Analyst  
California Alternative Energy and Advanced  
Transportation Financing Authority  
915 Capitol Mall, Room 457  
Sacramento, California 95814  
Telephone: 916-651-5101  
Email: [aruiz@treasurer.ca.gov](mailto:aruiz@treasurer.ca.gov)

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to the Authority. The written comment period on the Regulations ends at **January 28, 2013**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the fee structure during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Article 2, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/caeatfa/>

PUBLIC HEARING

A public hearing regarding the Regulations has been scheduled for **10:00 a.m. until business is concluded January 10, 2013 at 915 Capitol Mall, Room 587, Sacramento, CA 95814.**

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the public hearing and the written comment period ends, the Authority may adopt the Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at <http://www.treasurer.ca.gov/caeatfa/>

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The California Corporations Commissioner (Commissioner) proposes to amend Sections 260.210, 260.211, 260.211.1, 260.231, 1422, 1422.7, 1423, 1581, 1582, 1805.204, and 1950.122.8; and to adopt Section 1430 in Title 10 of the California Code of Regulations.

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed as follows:

Regular Mail

Department of Corporations  
Attn: Karen Fong, Office of Legislation and Policy  
1515 K Street, Suite 200,  
Sacramento, CA 95814

Electronic Mail

[regulations@corp.ca.gov](mailto:regulations@corp.ca.gov)

Facsimile

(916) 322-5875

Comments may be submitted until 5:00 p.m., January 28, 2013. If the final day for the acceptance of com-

ments is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

#### AUTHORITY AND REFERENCE

Corporations Code Sections 25211, 25211(b), 25231, 25610, 25612.3 and 25612.5; and Financial Code Sections 22150, 22159, 30006, 30204, and 50304 authorize the Commissioner to adopt/amend the proposed regulation.

The proposed regulation implements, interprets and makes specific Sections 31 and 494.5, Business and Professions Code; Section 1798.17 and 1798.24, Civil Code; Sections 22100, 22101, 22102, 22105, 22105.1, 22105.2, 22105.3, 22106, 25210, 25211, 25213, 25213.3, 25216, 25217, 25230, 25231, 25234, 25236, 25237, 25241, 25242, 25608, 25612.3, 25612.5 and 25613, Corporations Code; Section 17520, Family Code; Sections 22000, 22050, 22100, 22101, 22101.5, 22102, 22103, 22104, 22105, 22106, 22107, 22108, 22109, 22112, 22153, 22154, 22157, 22159, 22160, 22349, 22349.1, 22351, 22357(a), 30204, 50002, 50003, 50120, 50121, 50122, 50124, 50130, 50140, 50146 and 50151, Financial Code; Sections 7470, 7473, 7490 and 13140–13144, Government Code; Section 11077.1, Penal Code; and Section 7 of Public Law 93–579 (5 U.S.C. Section 552a note).

#### INFORMATIVE DIGEST

This regulatory action proposes to 1) amend the application forms and information practices and privacy notices under the Corporate Securities Law of 1968, the California Finance Lenders Law, the California Residential Mortgage Lending Act and the Securities Depository Law to notify applicants and licensees that the Department may deny or suspend licenses issued to individuals and businesses for failure to pay their California state tax obligation, and to request federal taxpayer identification numbers from business entities for the purpose of identifying delinquent business taxpayers, 2) change the license application form under the California Finance Lenders Law to allow operating subsidiaries of federally chartered banks or financial institutions to obtain licensure, 3) clarify the reporting of past criminal acts and other violations in the license application under the California Finance Lenders Law, 4) amend the California Finance Lenders Law application to eliminate self-certification of investor status, and 5) adopt the annual report form under the California Finance Lenders Law.

#### Deny or Suspend Licenses of Delinquent Taxpayers

Assembly Bill 1424 (Chap. 455, Statutes of 2011) requires state licensing agencies that issue professional or occupational licenses, certificates, registrations, or permits, to suspend or refuse to issue a license when an applicant's or licensee's name is on either the State Board of Equalization's or the Franchise Tax Board's list of the 500 largest tax delinquencies. Among other things, the law requires state licensing agencies such as the Department to collect social security numbers or federal taxpayer identification numbers from individuals and business entities who apply for or renew a license, and match the information to the names on the tax delinquencies lists; amend license and renewal license application forms to inform applicants and licensees that their licenses may be suspended if they fail to pay their state tax obligation; and notify applicants and licensees prior to denying or suspending a license.

The Department licenses broker dealers, agents of broker dealers and investment advisers under the Corporate Securities Law of 1968; lenders, brokers and servicers under the California Finance Lenders Law and the California Residential Mortgage Lending Act; and securities depositories under the Securities Depository Law. These licensees include individuals (sole proprietors) and business entities.

Assembly Bill 1424 provides that state governmental licensing entities shall adopt regulations as necessary to implement the bill's provisions (Business and Professions Code Section 494.5(p)). Accordingly, this regulatory action proposes to amend the application forms and information practices and privacy notices under the Corporate Securities Law of 1968 (10 CCR Sections 260.210, 260.211, 260.211.1 and 260.231), the California Finance Lenders Law (10 CCR Sections 1422, 1422.7, 1423, 1581 and 1582), the California Residential Mortgage Lending Act (10 CCR Section 1950.122.8) and the Securities Depository Law (10 CCR Section 1805.204) to request federal taxpayer identification numbers from business entities for the purpose of identifying delinquent business taxpayers, add a statement to the application forms informing applicants and licensees that their licenses may be suspended if they fail to pay their state tax obligation, and notify applicants in the notices that their social security numbers and federal taxpayer identification numbers will be used to identify certain delinquent taxpayers for the purposes of denying or suspending their licenses.

The California Information Practices Act of 1977 (Civil Code Section 1798, et seq.) and the Federal Privacy Act of 1974 (5 U.S.C.S. 552a) require the Department to notify individuals about whether disclosure of a social security number is voluntary or mandatory and what uses will be made of the information when the De-

partment requests personal information, including social security numbers. The Department currently requests in license applications social security numbers from individuals, but not federal taxpayer identification numbers from businesses. The notices required under state and federal information privacy laws are included in or as an attachment to license application forms, or in the regulations concerning national uniform license application forms.

The proposed changes are required to ensure continued compliance under state and federal information privacy laws, and to conform to new state requirements under Assembly Bill 1424.

Change to License Application for Operating Subsidiaries

This regulatory action proposes to amend Section 1422 of the rules, the “Application for a License under the California Finance Lenders Law” (Application), to delete the declaration regarding operating subsidiary status (item number 2 in the Execution Section of the Application), so that an applicant no longer needs to declare that it is not an operating subsidiary of a federally chartered bank or financial institution in order to obtain licensure. The proposed change is necessary because federal law no longer preempts the state from requiring operating subsidiaries of national banks and savings associations to comply with state lending laws.

Currently, the applicant is required to sign a declaration in the Application, providing among other things, “[t]hat the applicant is not an operating subsidiary of a federally chartered bank or financial institution that is subject to oversight by the federal regulatory agency in accordance with federal law (12 U.S.C. §1 et seq.)”

Previously, an appellate court ruling held that operating subsidiaries meeting certain requirements and doing business under federal laws relating to national banks were not subject to the licensing provisions of the California Finance Lenders Law<sup>1</sup>. However, effective July 21, 2011, the federal Dodd–Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111–203, signed into law on July 21, 2010) effectively ended preemption for operating subsidiaries, agents and affiliates of national banks and federal savings associations.

Clarify When to Report Past Criminal Acts and Other Violations in the California Finance Lenders Law Application

The regulatory action proposes to amend question number 7 of the Application to clarify that disclosure in the Application is 1) limited to the past 10 years for criminal convictions or acts involving dishonesty, fraud

or deceit substantially related to qualifications and functions of lending, brokering or servicing of loans under the California Finance Lenders Law license, and 2) not limited to any time period for violations of the California Finance Lenders Law or rules, or other similar regulatory schemes, e.g., applicants must report any and all of these violations (Financial Code Section 22109(a)(2) and (3)).

Currently, question number 7 does not identify the period of time in which to report on the information and does not make clear that the reporting periods are different for past crimes and acts, and for regulatory violations. The proposed change is necessary to ensure that applicants understand the disclosure requirements and the Department receives complete information in deciding whether to issue or deny an application.

Background Checks on Passive Investors Under the California Finance Lenders Law

The regulatory action proposes to delete the self–certification from the Application for passive investors concerning background investigations (instructions to Exhibit C in the Application). The California Finance Lenders Law requires a background investigation to be conducted on all principal officers, directors, general partners, managing members and persons owning or controlling, directly or indirectly, 10% or more of the outstanding interest or equity securities of the applicant (Financial Code Section 22105). If the person directly owning or controlling 10% or more of the applicant is an entity, the entity’s principal officers, directors, general partners, managing members and persons owning or controlling 10% or more of that entity are also subject to background investigation under Financial Code Section 22105.

Some entities owning 10% or more of an applicant are merely investors such as pension plans, and are not responsible for the applicant’s lending activities. Conducting a background investigation of these “passive” investors is burdensome and costly to the entity, and does not further the law’s intent of ensuring that those responsible for the lending activities possess the qualifications, character and fitness to engage in finance lending.

The self–certification has been subject to abuse by some applicants attempting to use it to evade background investigations or to hide the true identity of the owner(s). Accordingly, the proposed change deleting self–certification for passive investors is necessary because it will make it more difficult to conceal the identity of persons who actually own or are responsible for the lending activities of an applicant, and make it harder for them to evade background checks. The proposed change will continue to provide the Department with the necessary discretion to waive background inves-

<sup>1</sup> (Wells Fargo Bank N.A. v. Boutris, 419 F.3d 949 (CA9 2005).)

tigations of passive investors when doing so is consistent with the intent of the law.

Adopt Annual Report Form Under the California Finance Lenders Law

The regulatory action proposes to adopt the annual report form to Section 1430 of the California Finance Lenders Law rules. Licensees are required to file an annual report on the form prescribed by the Commissioner, by March 15, providing information on business and operations conducted under the California Finance Lenders license (Financial Code Section 22159).

The annual reporting requirement is not a new requirement and the Department has been requiring licensees to file an annual report on the prescribed or similarly prescribed form since at least 1994. The proposed action merely seeks to correct an oversight by adopting the annual report by rulemaking, and does not impose additional filing or reporting requirements on licensees. The action is necessary to ensure that potential applicants are fully informed of all reporting and disclosure requirements before they decide to apply for a license, and to comply with California's administrative rule-making requirements.

Anticipated Benefits

The benefits anticipated from this proposed regulatory action include monetary benefits to California from ensuring that all taxpayers pay their share of state taxes, protecting general welfare and promoting fairness and equity by allowing bank operating subsidiaries to do business in California under a state license, protecting the public by ensuring that licensees possess the requisite qualifications and character for the position, and increasing transparency in government by ensuring that reporting requirements for licensees are in the regulations.

**EXISTING STATE REGULATIONS**

The proposed regulatory action is consistent with existing regulations that require the Department to deny or suspend a license concerning child support financial obligations, state and federal information privacy regulations, the California Finance Lenders Law and rules, and state administrative rulemaking requirements. Accordingly, the proposed amendments are not inconsistent or incompatible with existing state regulations.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

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

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.
- Other nondiscretionary cost or savings imposed on local agencies: none.
- Cost or savings in federal funding to the state: none.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: none.
- Significant effect on housing costs: none.

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

Pursuant to Government Code Section 11346.5(a)(10), the Department has determined that:

- (1) The proposed action will not create or eliminate jobs within California;
- (2) The proposed action will not create new businesses or eliminate existing businesses within this state;
- (3) The proposed action will not affect the expansion of businesses currently doing businesses within California; and
- (4) Benefits to the health and welfare of California residents, worker safety, and the state's environment: See the Anticipated Benefits section above concerning benefits to the health and welfare of California residents. No benefits or adverse impacts to worker safety or to the state's environment are anticipated as a result of this regulatory package.

**EFFECT ON SMALL BUSINESS**

The Commissioner has determined that the adoption of these regulations will not affect small business. Under Government Code Section 11342.610, "small business" does not include the professional or business activity of securities or financial lending businesses.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed action to adopt the annual report does not impose additional filing or reporting requirements on licensees because they are already required to file annual reports under Financial Code Sec-

tion 22159. Accordingly, licensees would not incur additional costs as a result of the proposed regulation.

#### BUSINESS REPORTING REQUIREMENT

In accordance with Government Code section 11346.3, subdivision (d), the Commissioner finds that it is necessary for the health, safety, or welfare of the people of this state that this regulation requiring a report apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons 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 NOTICE, STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

As of the date this notice is published, the rulemaking file consists of this notice, the initial statement of reasons and the proposed text of the regulation. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Corporations, Office of Legislation and Policy, 1515 K Street, Suite 200, Sacramento, California 95814.

The notice, initial statement of reasons and proposed text is also available on the Department's website [www.corp.ca.gov](http://www.corp.ca.gov).

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

#### CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to:

Karen Fong  
Staff Services Analyst  
1515 K Street, Suite 200  
Sacramento, California 95814  
Telephone: (916) 322-3553  
e-mail: [karen.fong@corp.ca.gov](mailto:karen.fong@corp.ca.gov)

Inquiries regarding the substance of the proposed regulation may be directed to:

Peggy Fairman  
Corporations Counsel  
1515 K Street, Suite 200  
Sacramento, California 95814  
Telephone: (916) 324-5217  
e-mail: [peggy.fairman@corp.ca.gov](mailto:peggy.fairman@corp.ca.gov)

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

#### Peace Officer Psychological Evaluation Regulation 1955

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

#### PUBLIC COMMENTS DUE BY JANUARY 28, 2013, AT 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments

relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to:

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

#### AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Government Code 1031(f), which authorizes POST to develop education and training procedures for peace officer pre-employment screening evaluators.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code 1031(f) stipulates that those who conduct peace officer psychological evaluations must meet “any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of pre-employment screening of peace officers.” To implement this statute, Commission Regulation 1955: Peace Officer Psychological Evaluation is being amended to include a continuing professional education (CPE) requirement.

Currently, California psychologists must complete 36 hours of continuing education (CE) biennially to maintain their professional license. However, the range of topics covered in CE courses sanctioned by the California Board of Psychology varies widely, and there is no assurance that those responsible for conducting peace officer pre-employment psychological evaluations will enroll in courses of specific relevance to this function. The proposed requirement is intended to ensure that those who conduct these evaluations devote 12 of their 36 required CE hours toward courses directly related to that function.

POST approval of CPE courses will be contingent on (1) previous accreditation by the American Psychological Association or other accrediting body authorized by the California Board of Psychology; and (2) relevance of course content. To be considered relevant, course topics must focus on one or more of the POST Peace Officer Psychological Evaluator Competencies developed in conjunction with this regulatory amendment. These competencies serve both as course content review criteria, and provide a defined, standardized set of

evaluator capabilities useful to both psychologists and law enforcement agencies.

The objective of the proposed regulation is to implement Government Code section 1031(f) by ensuring that those conducting pre-employment psychological screening of peace officer applicants have sufficient education and training necessary to perform this function. The proposed regulation may benefit the protection of public health and safety by ensuring that individuals who are vested with peace officer powers have been deemed psychologically competent as the result of complete, job-relevant, professionally-administered evaluation.

An evaluation has found that the proposed changes to regulation are consistent or compatible with existing state regulations.

#### ADOPTION OF PROPOSED REGULATIONS

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

#### ESTIMATE OF ECONOMIC IMPACT

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

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

Local Mandate: None.

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

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete

with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

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

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

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

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

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to ensure that applicants who may ultimately be given peace officer powers are being psychologically evaluated by professionals who have the education and training necessary to perform this function both effectively and competently. There would be no impact which would affect worker safety or the state's environment.

#### CONSIDERATION OF ALTERNATIVES

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

#### CONTACT PERSONS

Please direct inquiries about this proposed regulatory action to Melani Singley, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov), or by tele-

phone at (916) 227-4258. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at [Patti.Kaida@post.ca.gov](mailto:Patti.Kaida@post.ca.gov), by telephone at (916) 227-4847, or by FAX at (916) 227-3895.

#### TEXT OF PROPOSAL

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

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

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

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

#### TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 356, 395, 396, 398, 710.5, 710.7, 713, 1050, 1530, 1583, 1802, 3007, 3031, 3039, 3503, 3503.5, 3511, 3513, 3800, 3801.6, 3950, 4150, 10500 and reference 395, 396, 713, 1050, 3007, 3031, 3503, 3503.5, 3511, 3513, 3801.6, Fish and Game Code; as well as Parts 21.29 and 21.30 of Title 50, Code of Federal Regulations (CFR); proposes to Amend Section 670 and Repeal Section 678, Title 14, California Code of Regulations (CCR), relating to Practice of Falconry Regulations.

#### INFORMATIVE DIGEST

Regulations for the practice of falconry are contained in Section 670, Title 14, CCR (14 CCR 670) along with federal regulations in Section 21, Title 50, CFR (50 CFR 21). These guide the practice of falconry within the state and establish the methods and limits for capture of raptors from the wild for falconry use. Under these regulatory sections, the Department of Fish and Game (Department) issues a license, with certain restrictions and conditions, for the capture, possession

and use of wild, captive-bred, or hybrid raptors for the purpose of falconry.

In July 2009, the U.S. Fish and Wildlife Service (Service) revised 50 CFR 21.28 and 21.29 to remove federal permitting for falconry. 50 CFR 21.29(b) now requires that before falconry may be practiced in any state, that state must approve the practice by issuing permits under its own laws and regulations and must submit copies of its regulations pertaining to falconry, including falconry permit requirements, to the Service. The state must develop falconry regulations that meet the federal standards established under 50 CFR 21.29. Certification of state regulations must be published in the Federal Register no later than January 1, 2014, at which point the federal permitting program will end and individual states will not be allowed to practice falconry if their regulations have not been approved and certified by the Service. State laws are allowed to be more restrictive than federal standards, but not more permissive.

The regulations, which include proof that the database linkage between the Service and the Department's database is in place, must be submitted to the Service by September 1, 2013.

The Department is proposing that the Commission amend 14 CCR 670 to meet the federal requirements; specifically, to comply with 50 CFR 21.29 by establishing and maintaining a permitting program. Much of California's current falconry regulation language is being modified to some extent. Many changes being proposed are to comply with federal regulation. Some new revisions to 14 CCR 670 are being proposed to the Fish and Game Commission based on input received from the public, as well as the latest scientific information available on the status of the species affected by the practice of falconry and the health of local populations.

The Department is proposing that the Commission repeal 14 CCR 678 to re-organize and simplify the reading of regulations regarding captive propagation. The language from Section 678 would be covered in new Section 670 regulations.

Under existing falconry regulations (14 CCR 670), falconers are allowed to practice falconry in California according to the following specifications:

- General provisions are provided specifying falconry shall abide by Fish and Game Code, Department regulations, federal MBTA, and federal falconry regulations. These laws and regulations can be sent upon request.
- Take of game or nongame animals shall abide by all state hunting laws and regulations.
- Protected animals inadvertently killed by falconry raptors should be removed from the raptor and left on site.

- The Department provides information on the application process. Experience acquired elsewhere is considered during the application process. Persons under 18 require a parent or guardian signature on application.
- Forms FG362 (Rev 9/95), FG363 (Rev 9/95), FG364 (Rev 1/96), and FG364a (Rev (1/96) are referenced.
- Prior to issuance of a license, applicants must take an examination and score 80% or better. Applicants who fail the exam may take it again after 3 months have passed since the last attempt. Applicants with passing scores from another state with federal approval do not have to take the exam in California.
- Classes of licenses are apprentice, general and master.
- The Department may suspend, revoke, or deny issuance or renewal of any falconry license under specified conditions. Licensees may appeal such actions.
- A sponsor must notify the Department upon termination of sponsorship. An Apprentice shall acquire a new sponsor within 60 days.
- Apprentice falconers must submit an annual report on their activities. The report must be signed and dated by the sponsor.
- Prior to issuance of a license, all housing facilities and equipment must be inspected and approved. The Department may authorize sponsors to conduct inspections. The Department may enter the premises of any licensee at any reasonable hour to inspect facilities and equipment.
- Nonresidents may practice falconry in California according to their federal permit.
- Temporary transfer of falconry raptors is allowed according to federal regulation and must be reported to the Service.
- Apprentice falconers may only capture and possess kestrels and red-tailed hawks.
- Raptors may be acquired from wildlife rehabilitation facilities.
- Raptors may be imported with proper documentation and required permits.
- Infertile eggs may be possessed with written notification to the Department.
- Bands may not be removed from raptors, except by a Department employee or person authorized by Department. Bands may not be defaced, altered, or counterfeited. Lost or removed bands must be reported to the Service.

- Only persons with a valid falconry license can remove birds from the wild. Nonresidents may apply to capture a wild raptor and must report to the Department whether successful at capture or not.
- Capture from the wild must be reported within 5 days, and include county of capture and a description of the capture site, and Township, Range, and Section of capture site. A copy of a topographic map, with the capture site clearly indicated, is required for all species except great horned owl, kestrel and red-tailed hawk.
- Raptors that may be captured from the wild include Northern goshawk, Cooper's hawk, sharp-shinned hawk, red-tailed hawk, ferruginous hawk, merlin, American kestrel, prairie falcon and great horned owl.
- Northern goshawks may not be captured from the wild at any time in the Lake Tahoe Basin.
- Eyas birds may only be captured by General or Master Falconers and only from May 20 to July 15. At least one eyas bird must be left in the nest. Passage birds may only be captured October 1 to January 31.
- Any marked raptor that was lost or escaped can be captured anytime.
- Replacement period is defined as the 12-month period beginning March 1 of each year.

The Department is proposing to amend 14 CCR 670 to meet the federal requirements; specifically, to comply with establishing and maintaining a permitting program. Much of California's current falconry regulation language is being modified to some extent. Many changes are being proposed to comply with federal regulation. Some new revisions to 14 CCR 670 are being proposed based on comments received during public review, expertise within the Department, as well as the latest scientific information available on the status of the species affected by the practice of falconry and the health of local populations.

The proposed regulatory changes will meet the federal requirements and assist the Department in responsibly implementing a falconry program in California.

The following is a summary of the changes proposed for Section 670, Title 14, CCR:

- Definitions of terms would be included in the regulations to clarify meaning and purpose of these the terms within regulation.

- Falconers would be required to ensure take of state- and federally-listed threatened and endangered species is minimized by not flying raptors near listed species, and will be required to report take of listed species to the nearest Department regional offices or Service office within 10 calendar days of the incident. If listed species are injured during the practice of falconry, the falconer would be required to notify the Department and the Service, and transport an injured animal to a wildlife rehabilitation facility.
- To clarify the application process, new regulations would describe how to apply for a falconry license. The process of obtaining a license for falconers from another state who wish to establish permanent residency in California is also clarified.
- Regulations would allow the Department to recognize a valid falconry license from another state during the application process for a California falconry license.
- Licensees would be required to report acquisitions, releases, transfer, loss, escape, and death of a falconry raptor to this electronic database in addition to reporting to the Department. Information about the county of capture/release, date of capture/release, a description of the capture/release site, description of the capture method, species information (e.g. age, sex), and Latitude/Longitude coordinates or capture/release site would be a requirement to report to the Department. The topographic map that was required for some species in current regulation would be eliminated. Reporting would be required within 10 days of any event. Additionally, Law Enforcement Officers would also need to be notified in the case of theft.
- New licensees would be required to sign a statement stating they are familiar with both federal and state regulations, as well as MBTA, that information submitted is complete and accurate, and that any false statement is subject to cancellation and criminal penalties.
- The application and licensing process would be clarified for residents and nonresidents wishing to obtain a new license in California, renew a current license, or renew a lapsed license.

- New regulations would allow nonresident falconers or non-U.S. citizen falconers to temporarily practice falconry in California and would require them to either maintain temporary housing facilities or utilize a licensed falconer's facilities.
- The ability for the Department to deny, suspend, or revoke a falconry license would be defined. Instructions for the licensee would also be added on how to appeal such action.
- Current falconry forms would be revised, and new ones developed as a means to implement the state-run falconry program.
- Falconry forms would be referenced. Current forms (FG362 (Rev 9/95), FG363 (Rev 9/95), FG364 (Rev 1/96), and FG364a (Rev (1/96)) would be revised and renamed. Five new forms (FG360b, FG360, FG360h, FG360d, and FG360i) would be developed. Capture seasons would be eliminated and therefore would not be referred to in forms. Reporting requirements would be adjusted; therefore falconers would no longer report topographic map, Township, Range, Section, or UTM's of capture site location. Instead, Latitude, Longitude, site description, and capture methods would be described. Apprentice falconers would also be required to report how many months they flew each raptor in possession. The nonresident falconers wishing to capture wild raptors would now be informed of the random drawing for Northern goshawk in the Tahoe Basin, and prairie falcons statewide. The application for a nonresident capture of a wild raptor would also include a payment section.
- Falconers would be required to submit an annual report summarizing the number and type of prey species taken while hunting, counties hunted, and raptors used in hunting during the most recent license year upon license renewal.
- Conditions would be defined for importation of raptors into California.
- Specifications for the sponsorship program for an Apprentice falconer would be clarified, including qualifications, roles and responsibilities of the sponsor; requirements for being a sponsor; duration of sponsorship; and instructions for what to do in the case of sponsorship termination.
- Apprentice falconer age limit would decrease to 12, from 14. General falconer age limit would decrease to 16, from 18. Apprentice falconers would only be able to possess raptors that are not imprinted on humans, no nestlings or juveniles less than one year old capable of flight, and they would train raptors in the pursuit of wild game for hunting. Apprentice falconers would advance to General Class if they have been at the Apprentice level for at least 2 years, including maintaining, training, flying, and hunting with the raptor for least 4 months in each regulatory year. Apprentice falconers would have their facilities inspected and certified after passing the exam, and prior to a license being issued.
- General falconers would advance to Master Class if they have been at the General level for at least five years.
- General falconers would be able to possess up to 3 raptors total (increased from 2), of which only 2 can be wild-caught. Master falconers would be able to possess up to 5 wild-caught raptors (increased from 3), and any number of captive-bred or hybrid raptors. For General and Master Falconers, only nestlings or juvenile raptors less than one year old and capable of flight would be able to be captured from the wild; except American kestrel or great horned owl would be able to be captured at any age. General and Master falconers could possess any captive-bred or hybrid raptor. However neither class could possess listed species and only Master class could possess eagles. Golden eagles could only be possessed if they are obtained from a rehabilitation facility, captive-breeder, or if they are imported into California.
- Falconry records would be kept for at least 5 years.
- Capturing raptors from the wild would be able to occur anytime during the year, except for merlin. A falconer would only be able to capture up to 2 wild raptors from the wild annually. A nonresident falconer would only be able to capture only 1 wild raptor, but must apply with the Department to do so. One raptor species would be eliminated for wild capture — the ferruginous hawk — and two species would be added — red-shouldered hawk and barred owl. The Lake Tahoe Basin would be re-opened for capturing Northern goshawk from

the wild, with a capture quota of one goshawk annually. Wild-capture quota would be added for prairie falcons limiting annual capture to 14 individuals annually.

- Capture of merlins from the wild would be limited to the non-breeding season, August 15 to February 28.
- Capture quotas would be implemented for prairie falcon statewide and goshawk in the Lake Tahoe Basin via a random drawing process through the Department's Automated License Drawing System (ALDS).
- Conditions for release of raptors back would be included.
- In the case of capturing wild raptors, falconers would be required to be at the site of capture unless they are deemed exempt. If marked raptors are captured, regulations would clarify the process for determining status of that raptor. If raptors are injured in the capturing process, regulations would note what a falconer is required to do. If non-target raptors are captured, the falconer would release the raptor immediately. A falconer would only be able to capture on public lands where capture is allowed and on private or tribal lands if they gain permission.
- New language would be added that specifies requirements and limitations of transferring a falconry raptor. When, how and under what circumstances temporary and permanent transfers may occur would be defined.
- If a raptor with a research band or marker is captured by a falconer, new language would specify action to take in notifying the Bird Banding Lab and/or the researcher.
- A falconer would be allowed to add a raptor with a research band or marker, or a raptor injured during trapping to his/her license. An injured raptor may also be given to a rehabilitation facility.
- Non-target raptors would be released immediately at the site of capture.
- Hybrid, captive-bred, or exotic raptors would have two attached functioning radio transmitters when flown free.
- Falconers would be able to obtain raptors from rehabilitation facilities. Falconers would also be able to temporarily possess raptors from rehabilitation facilities to assist in conditioning raptors for release back into the wild.
- Hacking would be allowed to condition raptors for release back into the wild and for conditioning young raptors to hunt.
- Language would be added that defines options for what to do with a falconry raptor carcass, and what to do if a falconry raptor or exotic is encountered flying free.
- Purchase, buy, sell, trade or barter of wild raptors or parts would be restricted. Gifting and donating wild raptors and parts is allowed. Purchase, buy, sell, trade or barter would be allowed for captive-bred, hybrid, and exotic raptors.
- With some limitations and under certain circumstances, other uses of falconry raptors would be allowed, including education, exhibiting, propagation, and abatement, but only if other required permits are in place.
- Captive-bred raptors listed under MBTA would be banded with seamless bands. Language notes specific restrictions and conditions for banding placement, removal, reporting, or exemption on falconry raptors. All wild raptors would require bands. The Department would distribute bands via the License and Revenue Branch or regional offices. The Department would be able to exempt the banding requirement if a raptor is documented to have health issues related to the band.
- Falconers would be able to use ISO-compliant microchips that they supply themselves on raptors in addition to bands. The Service would only supply the ISO chip for Northern goshawks and only if the raptor cannot wear bands for health reasons.
- The Service's falconry regulation stipulates standards that indoor and outdoor facilities must meet, as well as equipment that should be on hand. These standards would be referenced and defined in proposed regulations. Falconry facilities would be inspected and certified prior to issuance of a license. Unannounced inspections would be able to take place as needed with pre-authorization from falconer and/or landowner. Inspection of facilities would be required for Apprentice falconers, a new applicant, licensees renewing a lapsed license, and licensees that move to a new address. Inspections would be conducted by Department Law Enforcement Officers.
- New fees associated with the increased oversight of the Department would be defined under a separate Department of Fish and Game rulemaking and setting of fees will require revision of Title 14, Section 703 under Department authority found in Section 2150.2, Fish and Game Code.

The benefits of the proposed regulations are concurrence with Federal law, and sustainable management of the raptor and upland game resources to protect raptor

populations while continuing to provide recreational opportunities.

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

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in the State of California Resources Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in the Mt. Shasta Hatchery Museum, #3 North Old Stage Road, Mt. Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before February 20, 2013 to be included in the Commissioners' briefing materials, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 noon on March 4, 2013 to be delivered by staff to the meeting; or be presented to Commission staff at the meeting no later than the agenda item is heard on March 6, 2013, in Mt. Shasta, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Ms. Carie Battistone, Staff Environmental Scientist, Wildlife Branch, Department of Fish and Game, telephone (916) 445-3615, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

**Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption.

Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

**Impact of Regulatory Action/Results of the Economic Impact Analysis**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of permits issued over the entire state, this proposal is economically neutral to business.

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

The proposed falconry regulations will not have impacts to jobs and/or businesses in California.

Health and Welfare of California Residents: Hunting is an outdoor activity that can provide several benefits for individuals who partake in it and for the environment.

The proposed falconry regulations will not have impacts to worker safety.

Benefits to the Environment: Ensure a sustainable management of raptor populations in California.

(c) Cost Impacts on Representative Private Person or Business

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

The Department of Fish and Game will identify and consider fees for permits, permit applications and facility inspections in amounts sufficient to cover the costs of administering, implementing and enforcing regulations under Section 703, Title 14, California Code of Regulations, in a separate rulemaking, pursuant to Fish and Game Code Section 2150.2.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

All costs, such as those incurred for application reviews, processing, issuing permits, maintaining databases, inspections, development and maintenance of a band tracking database, and other administrative or enforcement costs will be fully offset by fees paid by the regulated parties. The Department of Fish and Game must address and propose to revise the falconry license fee structure under the authority of Section 2150.2, Fish and Game Code, in a separate rulemaking. This additional rulemaking could result in increased revenue from the falconry program. There are no costs or savings with regard to federal funding to the State.

(e) Other Nondiscretionary Costs/Savings to Local Agencies.

The effects to local agencies are unknown at this time.

(f) Programs Mandated on Local Agencies or School Districts.

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.

None.

(h) Effect on Housing Costs.

None.

Effect on Small Business

It has been determined that the adoption of these regulations will not have impact to small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF HEALTH CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE SERVICES IS CHANGING THE REIMBURSEMENT METHODOLOGY FOR HEARING AIDS**

This notice provides information of public interest about the California Department of Health Care Services' (Department) decision to change the reimbursement methodology for hearing aids. Pursuant to Welfare and Institutions (W&I) Code section 14105.49(b) the reimbursement for hearing aids is the lesser of: (1) the maximum allowable amount established by the Department, (2) the one-unit wholesale cost plus a mark-up determined by the Department, (3) the billed amount, and (4) the rate established by the Department's contracting program. Effective for dates of service on or after January 15, 2013, the Department is changing the definition of "one unit wholesale cost".

The existing definition of the "one unit wholesale cost" is: The 'unit price' or the "single unit price" as identified in the manufacturer's wholesale catalog not including rebates, discounts, taxes, or any other factors.

The new definition is: The "unit price" or the "single unit price" as identified in the manufacturer's wholesale catalog, less rebates, discounts, or other reductions in price and not including taxes.

The amended definition is being implemented pursuant to W&I Code section 14105.49, which authorizes the Department to implement the change by provider

manual or bulletin. The Department is implementing this revised reimbursement methodology following significant analysis and review of stakeholder feedback.

### **PUBLIC REVIEW AND COMMENTS**

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

### **DEPARTMENT OF MOTOR VEHICLES**

#### **INVITATION TO PRE-NOTICE PUBLIC DISCUSSIONS ON PROPOSED REGULATIONS BUSINESS PARTNER AUTOMATION (BPA) PROGRAM**

Pursuant to Government Code section 11346.45, the Department of Motor Vehicles has set the time and place for the public to participate in discussions related to the proposed BPA fee cap. The department is anticipating a regulatory amendment that will cap the fee that a first-line service provider can charge a second-line business partner for registration and titling transactions.

The department will hold the workshop beginning at 10:00 a.m. on Monday, January 7, 2013, at the Department of Motor Vehicles' Headquarters Complex located at 2415 First Avenue, Sacramento, California. The workshop will be held in the Assembly Room, which is accessible to persons of disability. The Assembly Room is located in a secure area of the building so please check-in at the security station and you will be escorted to the hearing location.

At the workshop, any interested person may present statements, arguments, or contentions (orally, in writing, or both) that are relevant to the department's proposal. Persons requiring an interpreter are requested to notify the department as early as possible by calling the contact person named in this notice. A sign-in sheet will be provided at the workshop in order to conduct an orderly meeting.

Participation in the workshop will be in addition to, and not in substitution for, any participation in the formal rulemaking process. This invitation does not constitute Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral or written) received in connection with the workshop

will not be included in the formal rulemaking file. Similarly, the department is not required to respond to comments received in connection with the workshop. Therefore, if you wish to have comments included in the rulemaking file, or to require the department to respond to them as part of the process by which it adopts the regulations, you must present your comments during the formal public comment period according to the procedures outlined in the Notice of Proposed Action at the time that document is issued, regardless of whether the comments have been made in connection with the workshop.

California Vehicle Code section 1685 provides that, "[T]he director may establish through the adoption of regulations, the maximum amount that a qualified private industry partner may charge its customers in providing" services "that include processing and payment programs for vehicle registration and titling transactions."

Private Industry Partners are expected to participate and provide relevant information that will assist the department in promulgating a regulation that complies with the requirements of Vehicle Code section 1685(c). The department anticipates that voluntary participation in the workshop will alleviate the need to perform audits, as authorized by California Code of Regulations—Title 13, Division 1, Chapter 1, Article 3.6, Section 225.66, to examine the procedures, operations and finances relating to the business partner activity that are relevant to the determination of an appropriate fee cap.

If you have any questions, please contact Randi Calkins at (916) 657-8898 or by e-mail at [randi.calkins@dmv.ca.gov](mailto:randi.calkins@dmv.ca.gov).

### **DEPARTMENT OF PUBLIC HEALTH**

#### **PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (STATE PLAN) FOR FEDERAL FISCAL YEAR (FFY) 2013**

#### **NOTICE OF HEARINGS FOR PROPOSED FUNDINGS**

#### **SUBJECT**

The Centers for Disease Control and Prevention has made funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 2012-13 (FFY 2013).

**PUBLIC HEARING PROCESS**

Notice is hereby given that CDPH will hold a public hearing commencing at 10:00 a.m. on Monday, January 28, 2013 in Room 74.463 (Kings Room) 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. If you plan to attend the Public Hearing, please be sure to bring identification so you can be admitted into the building by the security guard. The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7209, P.O. Box 997377, Sacramento, CA, 95899-7377 must receive any written statements or arguments by 5:00 p.m. October 24, 2011 which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

**CONTACT**

Inquiries concerning the action described in this notice may be directed to Ms. Marcia Levy Rosenstein, Prevention 2010 Section, or Caroline Peck, M.D, Chief, Chronic Disease Control Branch, CDPH, at (916) 552-9900 or at [Marcia.Rosenstein@cdph.ca.gov](mailto:Marcia.Rosenstein@cdph.ca.gov). In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

**AVAILABILITY OF INFORMATION FOR REVIEW**

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., December 14, 2012 through January 29, 2013.

**DECISION NOT TO PROCEED**

**AIR RESOURCES BOARD**

**NOTICE OF DECISION NOT TO PROCEED**

**NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CLEAN FUELS OUTLET REGULATION**

By notice dated November 29, 2011, and published in the December 9, 2011, California Regulatory Notice Register, Register 2011, No. 49, the Air Resources Board announced it would conduct a public hearing to

consider amendments to title 13, California Code of Regulations, sections 2300, 2302, 2303, 2303.5, 2304, 2307, 2308, 2309, 2311, 2311.5, 2312, 2313, 2314, 2315 and 2318; repeal of sections 2306, 2310, 2316 and 2317; and adoption of section 2306.1.

**PLEASE BE ADVISED** the proposed rulemaking action has been withdrawn. A new rulemaking action for clean fuel outlets may be initiated in the future, but a hearing date has yet to be determined. Comments submitted in response to the November 29, 2011 notice will not be included in the administrative record for this future rulemaking action, should it occur.

Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on December 29, 2011, in the California Regulatory Notice Register.

**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# 2012-1128-01  
**BOARD OF EQUALIZATION**  
 Retailer Reimbursement Retention

This is an emergency rulemaking action pursuant to Public Resources Code section 4629.5. It adds section 2000 to Title 18 of the California Code of Regulations, which establishes the reimbursement amount which lumber and engineered wood products retailers may retain to compensate them for the costs associated with the collection of the one-percent-of-sales-price assessment imposed on purchasers of these products and collected by retailers.

Title 18  
 California Code of Regulations  
 ADOPT: 2000  
 Filed 12/04/2012  
 Effective 01/01/2013  
 Agency Contact:

Richard E. Bennion (916) 445-2130

File# 2012-1015-01  
BOARD OF VOCATIONAL NURSING AND  
PSYCHIATRIC TECHNICIANS  
Disciplinary Guidelines and Uniform Standards

This regulatory action revises the Board's incorporated by reference document, Disciplinary Guidelines, and adds to it the Uniform Standards Related to Substance Abuse. The primary purpose is to reflect current law regarding recommended discipline for administrative disciplinary actions and to provide clear and consistent means of discipline for substance abusing licensees.

Title 16  
California Code of Regulations  
AMEND: 2524, 2579.10  
Filed 11/29/2012  
Effective 12/29/2012  
Agency Contact: Linda Ruyters (916) 263-7848

File# 2012-1121-02  
CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING  
AUTHORITY  
SB 71 Sales and Use Tax Exclusion Program

Section 26011.8 of the Government Code authorizes the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to approve projects for financial assistance in the form of the sales and use tax exclusion established in Section 6010.8 of the Revenue and Taxation Code. In 2010, CAEATFA adopted sections 10030, 10031, 10032, 10033, 10034, 10035, and 10036 in title 4 of the California Code of Regulations (CCR) to implement the advanced transportation and alternative source manufacturing sales and use tax exclusion program. Since that time staff has continued to evaluate the program and as a result CAEATFA adopted amendments to sections 10032, 10033, 10034, and 10035 of title 4 of the CCR by emergency regulatory action effective March 8, 2012. Those emergency regulations were deemed an emergency by the Legislature pursuant to Public Resources Code section 26011.8. This regulatory filing is the second reoption of those emergency regulations.

Title 4  
California Code of Regulations  
AMEND: 10032, 10033, 10034, 10035  
Filed 12/03/2012  
Effective 12/03/2012  
Agency Contact: Alejandro Ruiz (916) 653-2749

File# 2012-1109-01  
DEPARTMENT OF SOCIAL SERVICES  
AB98 Subsidized Employment as Amended by SB72  
and AB106 (CalWORKs)

This Certificate of Compliance amends the requirements for Welfare to Work subsidized employment programs in accordance with SB 72 (Chapter 8, Statutes of 2011) and AB 106 (Chapter 32, Statutes of 2011).

Title MPP  
California Code of Regulations  
AMEND: 41-440, 42-716, 42-717, 44-207  
Filed 11/29/2012  
Effective 11/29/2012  
Agency Contact: Zaid Dominguez (916) 651-8267

File# 2012-1016-01  
FAIR EMPLOYMENT AND HOUSING  
COMMISSION  
Pregnancy Regulations

This rulemaking action updates regulations in Title 2 of the California Code of Regulations related to rights of pregnant employees concerning leaves of absence, reasonable accommodations, transfers, employee benefits, and reinstatement, among other matters, since the enactment of Assembly Bill 1670 (Ch. 591 of 1999), Assembly Bill 2870 (Ch. 647 of 2004), Senate Bill 299 (Ch. 510 of 2011) and Assembly Bill 592 (Ch. 678 of 2011).

Title 2  
California Code of Regulations  
ADOPT: 7291.4, 7291.7, 7291.14, 7291.18  
AMEND: 7291.2, 7291.3, 7291.4 and renumber 7291.5, 7291.5 and renumber 7291.6, 7291.6 and renumber 7291.8, 7291.7 and renumber 7291.9, 7291.9 and renumber 7291.10, 7291.10 and renumber 7291.17, 7291.11, 7291.12, 7291.13, 7291.15, 7291.16 REPEAL: 7291.8, 7291.14  
Filed 11/30/2012  
Effective 12/30/2012  
Agency Contact: Bruce Carter (415) 557-1756

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 the Fair Political Practices Commission 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

File# 2012-1116-02  
**PUBLIC EMPLOYEES RETIREMENT SYSTEM**  
 Personal Trading

This is the resubmission of a regulatory adoption to add one section to title 2 of the California Code of Regulations (CCR). CalPERS has adopted personal trading guidelines for investment and related staff of CalPERS, as well as board members and spouses. In addition, the regulations provide for disciplinary action and other matters related to personal trading of CalPERS employees. They create an on-line pre-clearance system for personal trading for employees and board members to protect against insider trading and front running that has the potential to harm CalPERS, its members and employees. These regulations further the recommendations of the United States SEC in prohibiting insider trading and front-running.

Title 2  
 California Code of Regulations  
 ADOPT: 558.1  
 Filed 11/29/2012  
 Effective 12/01/2012  
 Agency Contact: Christina Nutley (916) 795-2397

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN July 11, 2012 TO  
 December 5, 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**

11/30/12 ADOPT: 7291.4, 7291.7, 7291.14, 7291.18 AMEND: 7291.2, 7291.3, 7291.4 and renumber 7291.5, 7291.5 and renumber 7291.6, 7291.6 and renumber 7291.8, 7291.7 and renumber 7291.9,

7291.9 and renumber 7291.10, 7291.10 and renumber 7291.17, 7291.11, 7291.12, 7291.13, 7291.15, 7291.16  
 REPEAL: 7291.8, 7291.14

11/29/12 ADOPT: 558.1  
 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

**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)

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 50-Z**

08/06/12 AMEND: 3435(b)

**Title 4**

12/03/12 AMEND: 10032, 10033, 10034, 10035

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

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

**Title 5**

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

**Title 11**

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	09/21/12	AMEND: 502
<b>Title 13</b>		09/12/12	AMEND: 18660.17, 18660.19, 18660.31
11/13/12	AMEND: 1200, 1239	09/07/12	AMEND: 300
11/06/12	ADOPT: 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218	08/31/12	ADOPT: 671.8 AMEND: 671.1
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	08/14/12	AMEND: 13055
10/09/12	AMEND: 2260, 2261, 2264, 2265, 2265.1, 2266, 2266.5, 2271 REPEAL: 2258	08/02/12	ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320
09/25/12	AMEND: 156.00, 156.01	07/26/12	AMEND: 18836
09/14/12	AMEND: 2479	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
08/07/12	ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)	<b>Title 15</b>	
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	10/25/12	ADOPT: 3999.14
08/02/12	ADOPT: 426.00	10/22/12	AMEND: 3019, 3044, 3091, 3120
07/30/12	AMEND: 1268, 1270.3	10/18/12	ADOPT: 3999.13
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	10/17/12	ADOPT: 3375.6 AMEND: 3000, 3375
<b>Title 13, 17</b>		10/04/12	ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
09/14/12	AMEND: 2299.2, 93118.2	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
<b>Title 14</b>		09/13/12	AMEND: 3162
11/19/12	AMEND: 632	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
11/07/12	AMEND: 701	08/29/12	AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744
11/06/12	ADOPT: 1052.5 AMEND: 895, 916.9, 1052, 1052.1, 1052.2	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
11/02/12	AMEND: 163, 164	<b>Title 16</b>	
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	11/29/12	AMEND: 2524, 2579.10
10/18/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	11/27/12	ADOPT: 1495, 1495.1, 1495.2, 1495.3, 1495.4
10/03/12	AMEND: 300	11/14/12	ADOPT: 1139, 1140, 1141, 1142, 1143, 1144
10/02/12	AMEND: 632	11/13/12	ADOPT: 2333
09/27/12	ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6	11/07/12	ADOPT: 1023.15, 1023.16, 1023.17, 1023.18, 1023.19
09/25/12	AMEND: 18660.40	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

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 50-Z**

09/10/12 ADOPT: 4116, 4117, 4118, 4119  
09/07/12 AMEND: 4  
08/30/12 ADOPT: 2557, 2557.1, 2557.2, 2557.3,  
2595, 2595.1, 2595.2, 2595.3  
08/29/12 ADOPT: 4146, 4148, 4149, 4149.1  
AMEND: 4100, 4101  
08/20/12 ADOPT: 1333, 1333.1, 1333.2, 1333.3  
07/23/12 ADOPT: 1397.2 AMEND: 1380.4  
07/17/12 ADOPT: 1399.23, 1399.24 AMEND:  
1398.4

**Title 17**  
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  
08/30/12 AMEND: 95802, 95812, 95814, 95830,  
95831, 95832, 95833, 95834, 95856,  
95870, 95892, 95910, 95911, 95912,  
95913, 95914, 95920, 95021  
08/29/12 AMEND: 100800  
08/15/12 ADOPT: 54521, 54522, 54523, 54524,  
54525, 54526, 54527, 54528, 54529,  
54530, 54531, 54532, 54533, 54534,  
54535 AMEND: 54500, 54505, 54520  
REPEAL: 54521, 54522, 54523, 54524,  
54525  
07/26/12 AMEND: 94006

**Title 18**  
12/04/12 ADOPT: 2000  
10/23/12 AMEND: 313, 321  
08/07/12 AMEND: 1618  
07/27/12 AMEND: 1684

**Title 20**  
10/26/12 AMEND: 1601, 1602, 1604, 1605.1,  
1605.3, 1606, 1607

**Title 21**  
08/28/12 AMEND: 6640, 6680

**Title 22**  
11/13/12 ADOPT: 2707.2-1 AMEND: 3302-1

10/25/12 AMEND: 97005, 97019, 97041, 97052,  
97053, 97054  
10/18/12 AMEND: 97240  
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  
09/06/12 ADOPT: 66269.2  
08/20/12 AMEND: 87224  
08/13/12 AMEND: 100104, 100106, 100106.1,  
100113, 100115, 100119, 100120,  
100121, 100123, 100127  
07/12/12 AMEND: 66263.18, 66263.41,  
66263.43, 66263.44, 66263.45, 66263.46  
07/12/12 AMEND: 66268.40, 66268.48

**Title 23**  
11/14/12 AMEND: 1062, 1064, 1068  
11/13/12 ADOPT: 2924  
11/13/12 ADOPT: 3969.3  
09/06/12 ADOPT: 3959.5  
08/08/12 ADOPT: 3969.2  
07/30/12 ADOPT: 2923  
07/11/12 ADOPT: 597, 597.1, 597.2, 597.3, 597.4

**Title 25**  
10/10/12 AMEND: 8201, 8205, 8212  
08/13/12 ADOPT: 7097 AMEND: 7054, 7056,  
7058, 7060, 7062, 7062.1, 7072, 7076,  
7078, 7104 REPEAL: 7064, 7066, 7074,  
7078.1, 7078.2, 7078.3, 7078.4, 7078.5,  
7078.6, 7078.7

**Title 27**  
11/19/12 AMEND: 25903  
10/10/12 AMEND: 25707  
09/20/12 AMEND: 25705(b)  
09/12/12 AMEND: 25403(a), 25603.3(a)  
07/12/12 AMEND: 25305, 25701, 25705, 25801

**Title 28**  
09/06/12 ADOPT: 1300.74.73

**Title MPP**  
11/29/12 AMEND: 41-440, 42-716, 42-717,  
44-207  
11/19/12 AMEND: 31-003, 31-021, 31-501  
11/01/12 AMEND: 42-213, 44-211