



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. 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 CODE

AMENDMENT

MULTICOUNTY: Castaic Lake Water District
 Santa Maria Joint Unified High School District
 Westlands Water District

A written comment period has been established commencing on **January 14, 2011** and closing on **February 28, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 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 **February 28, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

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

Notice of Proposed Rulemaking

45-Day Notice

The Department of Food and Agriculture amended subsections 3434(b) and (c) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine as an emergency action that was effective on December 29, 2010. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 27, 2011.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on February 28, 2011. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

**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 Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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

AMENDED TEXT

This amendment expanded a portion of the contiguous regulated area in the counties of Monterey, Napa, Solano and Sonoma by approximately 175 square miles. A new quarantine area was established in the Lindsey Slough area of Solano County of approximately 15 square miles. The quarantine areas in the Tracy area of Alameda and San Joaquin counties were expanded by approximately 4 square miles; the Davis area of Solano and Yolo counties by approximately 2 square miles; the Ryer Island area of Sacramento and Solano counties by approximately 2 square miles; and, the Sacramento area of Sacramento and Solano counties by approximately 11 square miles. The proposed area is considered the minimum area surrounding the initial

detection sites which should be regulated to prevent artificial spread of LBAM to noninfested areas. This proposal also removed the Santa Barbara area (approximately 9 square miles) of Santa Barbara County; the Stockton area (approximately 21 square miles) and Tracy area (approximately 27 square miles) of San Joaquin County; and, the Woodland area (approximately 16 square miles) of Yolo County from the regulation. The effect of these proposed changes to the regulation is to establish and remove authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these areas. This resulted in a total of approximately 5,358 square miles under regulation within the State.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

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

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

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

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

Amendment of these regulations will not:

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

Significant effect on housing costs: None.

Small Business Determination

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and requests 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 Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

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

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

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

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

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

Notice of Proposed Rulemaking

45-Day Notice

The Department of Food and Agriculture proposes to amend subsection 3434(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at

916.654.1018 or by email to sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on February 28, 2011. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

**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 Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

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

AMENDED TEXT

This proposed amendment will remove the approximately 13 square miles surrounding the Arroyo Grande area of San Luis Obispo County from the regulation. The effect of this proposed change to the regulation is to remove authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these areas. This will result in a total of approximately 5,345 square miles under regulation within the State.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: The 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.

Amendment of these regulations will not:

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

Significant effect on housing costs: None.

Small Business Determination

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

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and requests 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 Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

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

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

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

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

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

Enforcement Response
DPR Regulation No. 11-001

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend sections 6128 and 6130, and amend and renumber section 6130(b) to section 6131 of Title 3,

California Code of Regulations. The proposed regulatory action would revise appropriate enforcement responses to be taken by the county agricultural commissioner (CAC) each time a violation(s) occurs to improve effectiveness and clarity of the regulations.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on February 28, 2011. Comments regarding this proposed action may also be transmitted via e-mail <dpr11001@cdpr.ca.gov> or by facsimile transmission at (916) 324-1452.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action has no impact on small businesses that operate lawfully. There will be some impact to those businesses that are found in violation of certain California pesticide laws and regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight begins with product evaluation and registration, and continues through statewide licensing of commercial and private applicators, pest control businesses, and consultants; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Divisions 6 and 7 of the Food and Agricultural Code (FAC). CACs have joint authority with DPR in enforcing pesticide laws and regulations. Field enforcement on a local level is carried out by the CACs, under the supervision of DPR. The goal of the enforcement programs is to protect public health, property, pesticide handlers and fieldworkers, and the environment of the State of California.

Consistent statewide enforcement of California's environmental laws is paramount for the protection of

California's people, property, and the environment. In 2006, DPR adopted enforcement response regulations (ERR) to strengthen environmental enforcement and improve statewide consistency of enforcement responses used by CACs when acting upon pesticide violations. By creating a violation classification system and enforcement response procedure, CACs throughout California are able to follow the same guidelines.

The primary goal of ERR is to ensure that California's robust pesticide laws and regulations are enforced in a uniform manner by the 55 CACs. Although CACs are necessarily sensitive and responsive to the environmental, pest control, and business needs of their counties, they enforce pesticide regulations within the legal and policy framework of the statewide DPR program. DPR works to ensure a uniform implementation through its coordination activities.

It must be a goal of any enforcement program to foster a sense of fairness in all participants. CACs conduct 15,000 to 18,000 pesticide inspections annually, leading to most enforcement actions. A smaller portion of enforcement actions are based on investigation of pesticide exposure-related illness episodes and investigations of other complaints. Belief in the fairness of the enforcement program is critical to the accuracy of the inspection and acceptance of the outcome. Under this principle, everyone involved in the regulatory process, including administrators and inspectors, as well as the regulated public, needs to accept the fundamental fairness of the rules being enforced and the outcome for violators.

The proposed revisions will improve effectiveness and clarity of the regulations, and also help CACs prioritize their efforts toward the violations most likely to cause harm to people and the environment. They, like most public agencies, are increasingly required to accomplish more with reduced staff and stresses on funding. Enforcement actions require careful assembly of case evidence and preparation for hearings and appeals, making them a relatively resource-consuming part of the CACs' pesticide program.

Proposed section 6128 would:

- Allow the CAC to comply with provisions of this section as a related group of violations. All documents relating to a single incident can be aggregated to support a stronger enforcement action.
- Add the definition of "incident" and clarify the definition of "decision report."
- Require CACs to respond with an enforcement action for each incident instead of each violation and amend the enforcement response structure

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

designed to be used based on class violations specified in section 6130.

- Extend the time for CACs to submit a decision report to the Director from 30 to 60 days.
- Exclude “cases of intentional ingestion” from the requirement of CACs providing the opportunity to the District Attorney, City Attorney, or Circuit Prosecutor to participate in a priority investigation.

Proposed section 6130 would:

- Revise and provide clear criteria for violations that are in Class A, B, or C, and clarify that CACs are responsible for designating the violation class.
- Provide fine setting criteria to include broad respondent compliance history and severity of effects.
- Require CACs to send a copy of the proposed action, as well as the final action, to the Director.

Proposed section 6131 would:

- Further clarify the requirements for CACs to use when taking an enforcement action against a licensed or certificated employee who failed to use personal protective equipment or other safety equipment required by section 6702(c).

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation 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.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulatory action will have no impact on lawful operations of pesticide users, advisers, or dealers. Fines are incurred only for violations of the FAC and Title 3, California Code of Regulations.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 2281, 11456, 12781, 12976, and 15203, and Business and Professions Code section 8617.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11892, 12973, 12996, 12997, 12999.5, and 15202, and Business and Professions Code section 8617.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Office of Legislation and Policy
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted above:

Cliff Smith, Senior Environmental Scientist
Enforcement Branch
(916) 324-6680

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION

Amend and Update the Training and Testing Specifications for Peace Officer Basic Courses Regulations 1005, 1007, and 1008

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 § 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 February 28, 2011, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of

technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

Authority and Reference

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

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

At its October 28, 2010 meeting, the Commission approved proposed amendments to Learning Domains throughout the *Training and Testing Specifications for Peace Officer Basic Courses* publication. The proposed changes included:

- Update Training & Testing Specification curriculum as part of an ongoing review.

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the training specifications to include revisions to grammar, punctuation, definitions, and minimum training standards.

All changes to Regulations begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. The completed work of all committees is presented to the POST Commission at large for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to implement these regulations. The proposed effective date is July 1, 2011.

Document Incorporated by Reference

The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001, and amended effective October 1, 2001, January 1, 2002, July 1, 2002, January 1, 2003, January 1, 2004, August 15, 2004, September 15, 2004, July 1, 2005, January 1, 2006, January 19, 2007, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January

1, 2009, July 1, 2009, January 1, 2010, and July 1, 2010 is herein incorporated by reference.

Local Mandate

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

Fiscal Impact Estimates

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

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

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

Cost Impact on Representative Private Persons or Businesses

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

Effect on Housing Costs

None.

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency’s attention, 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 than the proposed action.

Contact Person

Please direct inquiries or written comments about the proposed regulatory action to the following:

Cheryl Smith
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
(916) 227-0544 or Cheryl.Smith@post.ca.gov
FAX (916) 227-6932

or

Patti Kaida
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
(916) 227-4847 or Patti.Kaida@post.ca.gov
FAX (916) 227-5271

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 named above.

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

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION

Amend and Update the Training Specifications for Public Safety Dispatcher Basic Courses Regulation 1005 and 1018

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 §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 February 28, 2011, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

Authority and Reference

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its October 28, 2010 meeting, the Commission approved proposed amendments to Learning Domains throughout the *Training Specifications for Public Safety Dispatcher Basic Course* publication. The proposed changes included:

- Update Training Specification curriculum as part of an ongoing review.

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing academy curriculum. The proposed effective date is July 1, 2011.

Local Mandate

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

Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement

would be required pursuant to Part 7 (commencing with § 17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

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

Cost Impact on Representative Private Persons or Businesses

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

Effect on Housing Costs

None.

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, 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 than the proposed action.

Contact Person

Please direct inquiries or written comments about the proposed regulatory action to the following:

Cheryl Smith
 Commission on POST
 1601 Alhambra Boulevard
 Sacramento, CA 95816-7083
 (916) 227-0544 or Cheryl.Smith@post.ca.gov
 FAX (916) 227-6932

or

Patti Kaida
 Commission on POST
 1601 Alhambra Boulevard
 Sacramento, CA 95816-7083
 (916) 227-4847 or Patti.Kaida@post.ca.gov
 FAX (916) 227-5271

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 named above.

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

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**NOTICE OF PROPOSED REGULATORY ACTION
 Amend Requirements for Course Budgets
 Regulation 1054**

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 February 28, 2011, at 5:00 p.m.

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

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

Authority and Reference

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

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Penal Code 13503 states the Commission shall minimize administrative costs to maximize funds for training and other services to local law enforcement agencies. Existing law states indirect costs are allowable expenses not assigned as direct costs. The State Controller conducted an audit and advised POST staff the manner in which indirect costs were being calculated pursuant to Regulation 1054 was not consistent with the Controller's recommended format. POST was advised to limit charges for indirect costs to salaries for instructors, coordinators and clerical staff; and travel for instructors and coordinators. POST implemented the Controller's recommendation; however, the regulation was not amended to reflect the practice. An examination of Regulation 1054 found minor changes that could be made to reflect current practices and provide clarity to POST staff and agency presenters.

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.

Assessment

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.

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 than the proposed action.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Patti Kaida, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Kaida@post.ca.gov, by telephone at (916)

227-4847, or by fax at (916) 227-5271. Ed Pecinovsky is the contact for inquiries on the substance of the proposed revisions. Mr. Pecinovsky is available by email at Ed.Pecinovsky@post.ca.gov or by telephone at (916) 227-2820.

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 16. BOARD OF REGISTERED NURSING

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Board of Registered Nursing
1625 N. Market Blvd.
El Dorado Room, Suite 220
Sacramento, CA 95834
March 3, 2011
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on March 3, 2011. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who

have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2715 of the Business and Professions Code (B&P Code), and to implement, interpret or make specific Sections 480, 726, 820, 2708, 2736, 2750, and 2761 of said Code, and Section 11425.50 of the Government Code, the Board is considering changes to Division 14 of Title 16 of the California Code of Regulations as described in this Notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board’s highest priority is consumer protection. The primary methods by which the Board achieves this goal are: issuing registered nurse licenses to eligible applicants; investigating complaints against registered nurses and disciplining licensees for violation of the Nursing Practice Act (NPA); monitoring registered nurses whose licenses have been placed on probation; and managing a Diversion Program for registered nurses, whose practice may be impaired due to chemical dependency or mental illness. In order to enhance its disciplinary function and strengthen its Enforcement Program to better achieve its public protection mandate, the Board is proposing the following changes:

Amend Section 1403 — Delegation of Certain Functions

Existing law authorizes the Board to hire an Executive Officer.

Existing regulations delegate certain functions to its Executive Officer relative to actions taken in connection with the Administrative Procedure Act.

This regulatory proposal would delegate to the Executive Officer the authority to approve settlement agreements for the revocation, surrender, or interim suspension of a license.

Amend Section 1410 — Application

Existing law authorizes the Board to compel a registered nurse to submit to physical or mental health examinations if the licensee’s ability to practice in a competent manner may be impaired due to physical or mental illness. Existing regulations do not address physical or mental health exams for applicants.

This regulatory proposal would require an applicant to undergo an evaluation and/or examination if it appears the applicant may be unable to practice nursing safely due to mental and/or physical illness. The Board is required to pay for the examination.

Adopt Section 1441 — Unprofessional Conduct

Existing law authorizes the Board to take disciplinary action against a certified or licensed nurse or to deny an application for a certificate or license for unprofession-

al conduct. Existing regulations do not define unprofessional conduct.

Existing regulations do not define unprofessional conduct to prohibit a nurse from: (1) including or attempting to include in civil settlement agreements provisions that prevent a person from contacting, cooperating with, or filing a complaint with the Board, or requiring that a person attempt to withdraw a complaint already filed with the Board; (2) failure to provide lawfully requested records that are under the licensee's control; (3) failure to cooperate and participate in a Board investigation; (4) failure to report to the Board specified actions against the licensee such as indictment, arrest, or conviction; and (5) refusal or failure to comply with a court order mandating the release of records to the Board.

This regulatory proposal would define unprofessional conduct in such a manner.

Adopt Section 1443.6—Required Actions against Registered Sex Offenders

Existing law allows the Board to deny an application for a certificate or license or discipline a certified or licensed nurse based on a conviction of a crime substantially related to the qualifications, functions, or duties of a license.

Existing regulations do not set forth the disciplinary action to be taken by the Board if an applicant for licensure, licensee, or petitioner for reinstatement of a revoked license is required to register as a sex offender, and specify the circumstances in which the Section does not apply.

This regulatory proposal specifies the disciplinary action to be taken against such a person.

Amend Section 1444.5—Disciplinary Guidelines

Existing law authorizes the Board to delegate the conduct of a disciplinary hearing to an Administrative Law Judge who issued a proposed decision to the Board for its consideration.

Existing regulations do not require that an Administrative Law Judge's proposed decision must be to revoke the license if there is a finding of fact that the licensee (1) has had "sexual contact," as defined, with a patient, or (2) has committed an act or been convicted of a sex offense, as specified. The proposed decision cannot contain an order staying the revocation.

This regulatory proposal would provide for such a provision.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

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

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The proposed regulatory action affects: (1) registered nurses who are the subject of proposed Board disciplinary action, and (2) applicants for licensure who may be unable to practice safely due to physical or mental illness.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are costs associated with any disciplinary order imposed by the Board and legal fees, if the individual is represented by legal counsel. The disciplinary order impact varies and could include loss of registered nurse employment income, if the license is revoked, surrendered, or suspended.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses. The regulatory proposal affects registered nurses and applicants for registered nurse licensure.

CONSIDERATION OF ALTERNATIVES

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

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

**INITIAL STATEMENT OF REASONS AND
INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.rn.ca.gov.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Alcidia Valim
 Address: 1625 N. Market Blvd.,
 Suite N-217
 Sacramento, CA 95834
 Telephone No.: 916-574-7684
 Fax No.: 916-574-7700
 E-Mail Address: alcidia.valim@dca.ca.gov

The backup contact person is:

Name: Christina Sprigg
 Address: 1625 N. Market Blvd.,
 Suite N-217
 Sacramento, CA 95834
 Telephone No.: 916-574-7614
 Fax No.: 916-574-7700
 E-Mail Address: christina.sprigg@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.rn.ca.gov.

TITLE 18. FRANCHISE TAX BOARD

As required by Government Code section 11346.4, this is notice that a public hearing has been scheduled to be held at 1:00 p.m., on March 29, 2011 at the Franchise Tax Board, 9646 Butterfield Way, Town Center Golden State Room A/B, Sacramento, CA, to consider the adoption of California Code of Regulations ("CCR"), title 18, section 25128.5. (All references to CCR in this Notice are references to sections in CCR, title 18.) The Franchise Tax Board proposes to adopt this regulation under authority granted in Revenue and Taxation Code ("RTC") sections 19503 and 25128.5. The Board proposes to adopt CCR section 25128.5 to provide guidance to multi-state taxpayers on how to make a single-sales factor method election.

An employee of the Franchise Tax Board will conduct the hearing, and a report will be submitted to the three-member Franchise Tax Board for its consideration, along with a recommendation as to whether the three-member Board should hold a hearing on the proposed regulatory action. Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action if any person makes such a request in writing. If a written request is received, the three-member Franchise Tax Board will consider the proposed regulatory action prior to adoption.

Interested persons are invited to present comments, written or oral, concerning the proposed regulatory action. It is requested, but not required, that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., March 29, 2011. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY & REFERENCE

The Franchise Tax Board proposes to adopt CCR section 25128.5 pursuant to the rulemaking authority provided by RTC section 19503, which relates to the enforcement of Part 11 of the RTC (sections 23001, et seq.) Additionally, RTC section 25128.5, subdivision (c), gives the Franchise Tax Board explicit authority to issue any necessary or appropriate regulations. The proposed regulation interprets, implements, and makes specific RTC section 25128.5.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Taxpayers that have business activities within and without California are required to determine the amount of income properly attributed to activities in California. Previous to the enactment of RTC section 25128.5, pursuant to RTC section 25128, the standard apportionment rules applied. Accordingly, the taxpayer's respective property, payroll and twice its sales factor percentages were combined and divided by four. (In some instances the sales factor is not doubled and the combined ratios are only divided by three.) Thereafter, apportionable business income is multiplied by the resulting apportionment factor percentage to determine the amount of California-sourced taxable business income.

RTC section 25128.5 was enacted in 2009. It allows taxpayers to elect to apportion their business income to California based solely on the sales factor. However, RTC section 25128.5 does not include guidance on how the election is made. RTC section 25128.5, subdivision (c), allows the Franchise Tax Board to issue regulations regarding the election.

SPECIFIC PROPOSAL

Subsection (a) defines terms contained within the regulation. These definitions were modeled on RTC section 25113, which relates to water's edge elections of apportioning taxpayers.

Subsection (b)(1) addresses the time and manner of making a valid election. For the election to be valid, it must be made on an original timely filed return and every member of the combined reporting group must make the election. An example is provided.

Subsection (b)(2) generally states that if any member of a combined reporting group files a separate return without making the election, then every member of the combined reporting group will be treated as if it had not made the election.

Subsection (b)(3) contains a rule regarding when a combined reporting group that has one or more entities that conduct qualified business activities may make the election. This subsection is necessary to address questions involving combined reporting groups that include one or more entities that meet the definition in RTC section 25128, subdivision (c). These qualified business activities include agricultural, extractive, savings and loan, and banking or financial activities. Examples are provided.

Subsection (b)(4)(A) addresses a deemed election involving a corporation which previously was not considered a taxpayer, but subsequently is determined to be a taxpayer. Subsection (b)(4)(B) addresses a deemed

election involving a corporation which was previously not considered a combined reporting group member, but is subsequently determined to be a combined reporting group member. Examples are provided.

Subsection (b)(5) addresses making the election after forced de-combination at audit. Decombined taxpayers are allowed a period of time to file amended returns with the election. An example is provided.

Subsection (b)(6) allows a taxpayer that is engaged in more than one apportioning trade or business to make separate elections for each trade or business.

Subsection (b)(7) provides the procedure for making a valid election. Generally the tax must be computed using the single-sales factor apportionment method and the taxpayer completes Part B of schedule R-1 of the California form 100.

Subsection (b)(8) requires the election to be made on a timely filed original return and provides examples to illustrate the requirement.

Subsection (c)(1) addresses affiliated corporations engaged in two distinct unitary businesses. Each distinct unitary business may make an election with respect to one or more of the businesses, but need not elect for all of the businesses. An example is provided.

Subsection (c)(2) addresses the treatment of distributive shares of income from unitary partnerships when the combined reporting group has made an election. Examples are provided.

Subsection (c)(3) addresses changes in affiliation during the year. Generally, special rules are not needed for changes in affiliation because this is an annual election and group membership is known at the end of each taxable year. Statutes and regulations already in place provide the necessary guidance. Examples are provided.

Subsection (d) identifies the years to which the regulation applies.

**DISCLOSURES REGARDING THE PROPOSED
REGULATORY ACTION**

Mandates 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 under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon 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.

Cost to directly affected private persons/businesses potential: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on the creation or elimination of jobs in the state: The Board is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state. The Board has made an initial determination that the proposed regulation will not have an effect on any of the above, but invites interested parties to comment on this issue.

Significant effect on the creation of new businesses or elimination of existing businesses within the state: None.

Significant effect on the expansion of business currently doing business within the state: None.

Effect on small business: The department has made an initial determination that the adoption of the proposed regulation will not affect small businesses as generally multi-state corporations are not considered small businesses and this proposed regulation will apply only to multi-state corporations. However, the Board invites public comments on the question of economic impact on small businesses.

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

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board has determined that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose of this proposed regulation or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

basis for determining that the proposed regulatory action is necessary.

The express terms of the proposed text of the regulation, the initial statement of reasons and the rulemaking file are prepared and available upon request from the agency contact person named in this notice. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website identified below.

CHANGE OR MODIFICATION OF ACTIONS

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

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

ADDITIONAL COMMENTS

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

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

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at Franchise Tax Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Telephone (916) 845-3306; Fax (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov. In addition, all questions on the substance of the proposed regulation can be directed to Laurie McElhatton; Telephone (916) 845-6916. This notice, the initial statement of reasons and express terms of the proposed regulation are also available at the Franchise Tax Board's website at www.ftb.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

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

For Publication January 14, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
SARI Repairs Upstream of Prado Dam
Riverside County
2080–2010–059–06

The Department of Fish and Game (Department) received a notice on December 28, 2010 that the Santa Ana Watershed Project Authority (SAWPA) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action would impact up to 0.0028 acres of Waters of the U.S. in connection with the repair and maintenance of sections of Reaches IVA and IVB of the SARI pipeline.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. FWS–WRIV–08B0804–11F0147)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on December 14, 2010 which considered the effects of the project on the Federally and State endangered least Bell’s vireo (*Vireo bellipusillus*).

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

DECISION NOT TO PROCEED

**DEPARTMENT OF CHILD SUPPORT
SERVICES**

R–50–10

Recovery of Overpayments

PURSUANT TO GOVERNMENT CODE SECTION 11347, NOTICE IS HEREBY GIVEN that the

Department of Child Support Services (DCSS) will not proceed with the proposed permanent adoption of California Code of Regulations Title 22, Section 119900 — Recovery of Overpayments. This rulemaking was Notice File No. Z–2010–0825–01 published September 10, 2010, in the California Notice Register 2010, No. 37–Z, page 1439. Addendum published September 17, 2010, in the California Notice Register 2010, No. 38–Z, page 1518. This proposed rulemaking action is withdrawn for further consideration.

DOSS adopted a different version of these regulations on an emergency basis as Notice File No. 2010–0722–01 E effective August 2, 2010. Those emergency regulations are scheduled to expire on February 1, 2011. DCSS will allow them to expire without seeking re adoption.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2010–1118–01
CALIFORNIA HIGHWAY PATROL
CVSA North American Standard Out–of–Service Criteria

This rulemaking amends Title 13 section 1239 of the California Code of Regulations. This section incorporates by reference Parts I, II, III and IV of the Commercial Vehicle Safety Alliance North American Standard Out–of–Service Criteria published on April 1, 2010. The intent of this regulation as described in the notice of proposed regulatory action is to adopt uniform criteria for determining whether or not a vehicle and/or driver, inspected by an authorized representative of the CHP, is in such an unsafe condition that they are likely to constitute a hazard on the highway. This regulatory action amends section 1239 to incorporate by reference Parts I, II, III, and IV of the updated Commercial Vehicle Safety Alliance North American Standard Out–of–Service Criteria published on April 1, 2010.

Title 13
 California Code of Regulations
 AMEND: 1239
 Filed 01/03/2011
 Effective 02/02/2011
 Agency Contact: Ron Leimer (916) 445-1865

File# 2010-1116-01
 COMMISSION ON PEACE OFFICER STANDARDS
 AND TRAINING
 Commission on POST

This regulatory action updates training requirements, adds definitions, adds new titles for various roles and includes requirements and responsibilities for each role. It also deletes one incorporated by reference document that is no longer necessary as a result of the revisions.

Title 11
 California Code of Regulations
 AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1052, 1053, 1055, 1056, 1071, 1080, 1081, 1083
 Filed 12/29/2010
 Effective 01/01/2011
 Agency Contact: Cheryl Smith (916) 227-0544

File# 2010-1116-03
 COMMISSION ON PEACE OFFICER STANDARDS
 AND TRAINING
 Continuing Professional Training Credit for Specified Non-POST-Certified Courses

At its February 25, 2010 meeting, the Commission on Peace Officer Standards and Training (POST) approved proposed amendments to Section B, Procedure D-2 of the POST Administrative Manual (PAM) and Sections 1005 and 1060 of Title 11 of the California Code of Regulations. The amendments include new training courses to the alternative method of satisfying Continuing Professional Training (CPT) requirements and revisions to POST Form 2-213.

Title 11
 California Code of Regulations
 AMEND: 1005, 1060
 Filed 12/30/2010
 Effective 01/29/2011
 Agency Contact: Patti Kaida (916) 227-4847

File# 2010-1116-02
 DEPARTMENT OF CONSERVATION
 AB 1960 Implementation

This action implements AB 1960 (2008) by adopting and updating standards for oil and gas production facilities, including injection operations concerning leak

detection, corrosion prevention, tank inspection and testing, maintenance, secondary containment, record keeping and financial assurances.

Title 14
 California Code of Regulations
 ADOPT: 1722.8, 1722.8.1, 1722.9, 1773.1, 1773.2, 1773.3, 1773.4, 1773.5, 1774.1, 1774.2, 1777, 1777.1, 1777.2, 1777.3 AMEND: 1722, 1760, 1770, 1773, 1774 REPEAL: 1724.2
 Filed 12/30/2010
 Effective 01/29/2011
 Agency Contact: Justin Turner (916) 322-2405

File# 2010-1224-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action amends section 3435 to add all of Ventura County to the area quarantined to help prevent the spread of the Asian Citrus Psyllid (ACP), associated bacteria, and Citrus Greening (CG) disease. This rulemaking action also expands the quarantine area to add portions of Santa Barbara County. The quarantine is also being expanded in San Bernardino and Riverside counties. The CG disease kills citrus crops and there is no cure for it. The potential for damage is measured in many millions of dollars. There is a federal quarantine requirement. A California quarantine for affected geographical areas can help avoid the necessity for a statewide quarantine that would otherwise be required under federal law. A statewide quarantine would be far more burdensome.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 12/30/2010
 Effective 12/30/2010
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2010-1220-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Interior Quarantine

This emergency regulatory action will affect the contiguous quarantine area in Monterey, Napa, Solano, and Sonoma counties and will expand this contiguous quarantine area by approximately 175 square miles. A new quarantine area will be established in the Lindsey Slough Area of Solano County of approximately 15 miles. Additionally, the quarantine areas in the Tracy area of Alameda and San Joaquin counties will expand by approximately four square miles, the Davis area of Solano and Yolo counties by approximately two square miles; the Ryer Island area of Sacramento and Solano counties by approximately two miles; and the Sacra-

mento area of Sacramento and Solano counties by approximately 11 square miles. This action is due to recent findings of the light brown apple moth “LBAM” (“*Epiphyas postvittana*”). This will result in a total of approximately 5,358 square miles under regulation within the State for the pest. The effect of these amendments to the regulation is to establish the authority for the State to perform quarantine activities against the LBAM in these additional quarantine areas.

Title 3
California Code of Regulations
AMEND: 3434(b) and (c)
Filed 12/29/2010
Effective 12/29/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-1201-02
DEPARTMENT OF INSURANCE
Removal of Restrictions on Mortality Adjustments Factors

The Department of Insurance submitted this rule-making action to amend title 10, California Code of Regulations, section 2542.4 to remove existing restrictions on calculating required annual reserve valuations of life insurance products. These reserve valuations are based on mortality data and adjustment factors, and assure that insurers have adequate reserves to pay benefits and expenses. The amendments to section 2542.4 track recent revisions to the National Association of Insurance Commissioners (NAIC) Model No. 830 that were adopted to allow insurers greater flexibility to adjust the mortality valuation used in the calculation of deficiency reserves with more precision and accuracy, and to lower deficiency reserves when warranted. Also based on NAIC Model No. 830, the amendments to section 2542.4 will require an appointed actuary to make an annual statement regarding the adequacy of reserves.

Title 10
California Code of Regulations
AMEND: 2542.4
Filed 12/29/2010
Effective 12/29/2010
Agency Contact: Nancy Hom (415) 538-4144

File# 2010-1117-01
DEPARTMENT OF INSURANCE
Recognition of Preferred Mortality Tables

The Department of Insurance submitted this rule-making action to adopt sections 2582-2582.3 to title 10 of the California Code of Regulations under a new Article 17.3. The proposed regulations provide for the use

of standard and preferred mortality tables adopted by the National Association of Insurance Commissioners for determining minimum reserve valuations for life insurance policies. The proposed regulations apply to insurance companies and to fraternal benefit societies.

Title 10
California Code of Regulations
ADOPT: 2582, 2582.1, 2582.2, 2582.3
Filed 12/31/2010
Effective 12/31/2010
Agency Contact: Nancy Hom (415) 538-4144

File# 2010-1123-02
DEPARTMENT OF INSURANCE
Amend Procedure for Noncompliance Hearings and other Nonsubstantive Changes

This regulatory action, submitted by the Department of Insurance, amends Sections 2614, 2614.7, and 2614.13 of Title 10 of the California Code of Regulations. The purpose of this amendment is to clarify the procedure for conducting non-compliance hearings; specifically, that the prepared direct testimony requirements in section 2614.13 do not apply to adverse witnesses or witness not under the control of a party.

Title 10
California Code of Regulations
AMEND: 2614, 2614.7, 2614.13
Filed 12/30/2010
Effective 12/30/2010
Agency Contact: Alec Stone (916) 492-3567

File# 2010-1117-02
DEPARTMENT OF INSURANCE
Standards and Training for Estimating Replacement Value on Homeowners Insurance

This rulemaking action adds and amends regulations in Title 10 of the California Code of Regulations to establish standards for homeowner’s insurance replacement cost estimates and training requirements for licensees who prepare and provide replacement cost estimates for insured structures. In addition to defining necessary terms, this rulemaking action sets standards for the following: the training of agents and brokers, replacement value calculators, record keeping, and for real estate appraisers who estimate replacement costs. The rulemaking also establishes that the failure by an insurer to include all the elements (required by these regulations) of home replacement costs in a replacement estimate (when communicating about a homeowner’s policy) will constitute a misleading statement under the Unfair Practices Act.

Title 10
 California Code of Regulations
 ADOPT: 2188.65, 2695.180, 2695.181, 2695.182,
 2695.183 AMEND: 2190.2, 2190.3
 Filed 12/29/2010
 Effective 06/27/2011
 Agency Contact: George Teekell (415) 538-4390

File# 2010-1122-01
 DEPARTMENT OF PARKS AND RECREATION
 OHMVR Grants and Cooperative Agreements Program

This regulatory action updates several incorporated by reference documents that are used in application for the Off-Highway Motor Vehicle Recreation grants and cooperative agreements. It also clarifies a few of the requirements for the application.

Title 14
 California Code of Regulations
 AMEND: 4970.00, 4970.01, 4970.05, 4970.08,
 4970.09, 4970.13
 Filed 01/05/2011
 Effective 01/10/2011
 Agency Contact:
 Sixto Fernandez (916) 324-1572

File# 2010-1122-02
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Maximum Allowable Load

The Occupational Safety and Health Standards Board submitted this rulemaking action to amend title 8, California Code of Regulations, section 1709. Section 1709 is the construction safety order that provides for maximum allowable loads that can be placed on any building, structure, or part thereof, or any temporary support or scaffolding. The amendment clarifies that none of these structures or supports are to be subjected to loads unless an employer consults with a qualified person with experience in structural design to determine that the load can be safely supported prior to placing a load on any of these structures or supports. This amendment is intended to enhance employee safety by removing reliance on the existing, ambiguous term "design capacity" and removing ambiguity as to who is responsible for determining the structure's ability to bear the load.

Title 8
 California Code of Regulations
 AMEND: 1709
 Filed 12/29/2010
 Effective 01/28/2011
 Agency Contact: Marley Hart (916) 274-5721

File# 2010-1206-02
 OCEAN PROTECTION COUNCIL
 Conflict of Interest Code

The Ocean Protection Council is amending their conflict of interest code found at title 2, div. 8, ch. 114, sec. 59590, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on November 30, 2010.

Title 2
 California Code of Regulations
 AMEND: Div. 8, Ch. 114, Sec. 59590
 Filed 12/28/2010
 Effective 01/27/2011
 Agency Contact: Jonathon Gurish (510) 873-6431

File# 2010-1118-02
 STATE WATER RESOURCES CONTROL BOARD
 Total Maximum Daily Load for Sediment in Napa River

The State Water Resources Control Board (Board) adopted section 3919.9 of title 23 of the California Code of Regulations which provided a summary of the amendment to the Water Quality Control Plan for the San Francisco Region adopted on September 9, 2009 by the San Francisco Bay Regional Water Quality Control Board in Resolution No. R2-2009-0064 establishing a total maximum daily load (TMDL) of sediment in the Napa River and an implementation plan to achieve the TMDL and related habitat enhancement goals.

Title 23
 California Code of Regulations
 ADOPT: 3919.9
 Filed 01/03/2011
 Effective 02/02/2011
 Agency Contact: Peter Martin (916) 341-5557

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN August 4, 2010 TO
 January 5, 2011**

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

Title 2
 12/28/10 AMEND: Div. 8, Ch. 114, Sec. 59590
 12/21/10 AMEND: 561, 561.1, 561.2, 561.3,
 561.4, 561.5, 561.8, 561.9, 561.11

	(renumbered to 561.10), 561.12	60860, 60861, 60862, 60863 AMEND:
	(renumbered to 561.11), 561.13	60841, 60846, 60853 REPEAL: 60855
	(renumbered to 561.12) REPEAL:	09/01/10 AMEND: 234, 548.70
	561.10, 561.14	09/01/10 AMEND: 234, 548.70
12/20/10	AMEND: 18723	08/18/10 ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5,
12/20/10	ADOPT: 18215.2 AMEND: 18215,	52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1,
	18225, 18450.1, 18450.4, 18450.5	55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2,
12/16/10	ADOPT: 1859.90.1 AMEND: renumber	58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11,
	1859.90.1 as 1859.90.2 (not shown),	59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2,
	1859.129, 1859.197	64.3, 64.4, 64.5, 64.6 AMEND: 51
11/30/10	AMEND: 67.8 (Appendix A)	(renumbered to 51.1), 51.1 (renumbered
11/23/10	ADOPT: 1190, 1190.01, 1190.02,	to 51.2), 51.2 (renumbered to 52.4), 52.3
	1190.03, 1190.04, 1190.05	(renumbered to 52.6), 51.9 (renumbered
11/22/10	AMEND: 1859.2, 1859.83	to 52.7), 51.5 (renumbered to 52.9), 52.6
11/16/10	AMEND: 7286.1	(renumbered to 55.2), 52.2 (renumbered
11/15/10	AMEND: 18545, 18703.4, 18730,	to 58.3), 51.4 (renumbered to 58.4), 52.1
	18940.2, 18943	(renumbered to 58.5), 57.2 (renumbered
11/15/10	AMEND: 18225	to 59.1), 52.5 (renumbered to 60.2), 57.3
10/29/10	ADOPT: 1859.90.2 AMEND: Renumber	(renumbered to 60.3), 53.1 (renumbered
	1859.90.2 to 1859.90.3, 1859.129,	to 66.1), 56 (renumbered to 67.1), 56.1
	1859.197	(renumbered to 67.2), 56.2 (renumbered
10/28/10	AMEND: 59.1	to 67.3), 56.3 (renumbered to 67.4), 56.4
10/27/10	ADOPT: 1185.21, 1189 AMEND: 1181,	(renumbered to 67.5), 56.5 (renumbered
	1181.1, 1181.2, 1181.4, 1183, 1183.01,	to 67.6), 56.6 (renumbered to 67.7), 56.7
	1183.02, 1183.03, 1183.06, 1183.07,	(renumbered to 67.8) REPEAL: 51.3, 52,
	1183.08, 1183.081, 1183.09, 1183.11,	52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4,
	1183.12, 1183.131, 1183.14, 1183.2,	60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6,
	1183.21, 1183.30, 1183.31, 1183.32,	60.7, 60.8, 60.9, 60.10, 65, 547, 547.1
	1185, 1185.2, 1185.3, 1185.4, 1185.5,	08/13/10 AMEND: 18707
	1185.6, 1186, 1187, 1187.2, 1187.3,	Title 3
	1187.9, 1188, 1188.1, 1188.2, 1188.3,	12/30/10 AMEND: 3435(b)
	1188.31, 1189.1, 1189.3 REPEAL:	12/29/10 AMEND: 3434(b) and (c)
	1181.3, 1189.4, 1189.5	12/20/10 ADOPT: 6446, 6446.1 AMEND: 6400,
10/26/10	ADOPT: 2297.1	6452.4, 6624
10/21/10	ADOPT: 58.8 AMEND: 59.3	12/14/10 AMEND: 3434(b) and (c)
10/11/10	ADOPT: 599.937.4	12/14/10 AMEND: 850
10/07/10	AMEND: 51.1	12/09/10 AMEND: 6860
10/07/10	AMEND: 51.2(u)	12/06/10 AMEND: 3906
10/07/10	AMEND: div. 8, ch. 46, sec. 53500	11/30/10 AMEND: 3406
10/05/10	AMEND: div. 8, ch. 79, sec. 56800	11/24/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3,
10/05/10	ADOPT: 1859.172 AMEND:	3701.4, 3701.5, 3701.6, 3701.7, 3701.8
	1859.162.3, 1859.171	AMEND: 3407
10/04/10	AMEND: 1859.2, 1859.81	11/24/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3,
10/04/10	ADOPT: 642, 643, 644, 645 AMEND:	3701.4, 3701.5, 3701.6, 3701.7, 3701.8
	640, 641	AMEND: 3407
09/27/10	AMEND: 18942, 18944.1	11/22/10 AMEND: 3435(c)
09/07/10	AMEND: Renaming of headings only, as	11/18/10 AMEND: 105, 108
	follows: Article 4 of Chapter 1 to new	11/17/10 AMEND: 3434(b)
	Subchapter 1.2; Subarticles 1–10 of nes	11/17/10 AMEND: 3434(b)
	Subchapter 1.2 to new Articles 1–10; and	11/17/10 AMEND: 3437
	Chapters 1–5 of new Article 6 to new	11/15/10 REPEAL: 3000, 3001, 3002, 3003, 3004
	Subarticles 1–5.	11/09/10 AMEND: 3437
09/02/10	ADOPT: 60804.1, 60815.1, 60820.1,	10/27/10 AMEND: 6447, 6447.2, 6784
	60855, 60856, 60857, 60858, 60859,	

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10/21/10	AMEND: 3591.5(a)	3947, 4417, 4421, 4422, 4424, 5504,
10/18/10	AMEND: 3437(b)	5594, 5601, 5710, 10042, 10070, 10090,
10/11/10	AMEND: 3558(a)	11004, 11005, 11010, 11214, 11234,
10/11/10	AMEND: 3855	11250, 11503, 11508, 11523, 11530,
10/06/10	ADOPT: 1391, 1391.1, 1391.2, 1391.3, 1391.4 AMEND: 1391 (renumbered to 1391.5), 1391.1 (renumbered to 1391.6)	11531, 11537, 11538, 13000, 13009, 13014, 13025, 13039, 13040, 13043, 13052, 14100, 15106, 15158, 15184, 15375, 15376, 15384, 15405, 15531, 15532, 15534, 15535, 15550, 15551, 16000, 18000, 18009, 18013, 18016, 18025, 18031, 18032, 18056, 18057, 18070, 18071, 18072, 18073, 18242, 18300, 18303, 18305, 18306, 18307, 18308, 18460, 18461, 18533
10/01/10	AMEND: 3434(b)	
09/27/10	AMEND: 3	
09/27/10	AMEND: 3437	
09/22/10	AMEND: 3591.20(a)	
09/14/10	AMEND: 3434(b)	
09/13/10	ADOPT: 3437	
09/09/10	AMEND: 3434(b)	
09/02/10	AMEND: 3425(b)	
08/26/10	AMEND: 3406(b)	12/22/10 AMEND: 80413.3 REPEAL: 80430.2
08/26/10	AMEND: 3406(b)	12/02/10 ADOPT: 4700, 4701, 4702, 4703
08/26/10	AMEND: 3434(b) & (c)	12/01/10 ADOPT: 76020, 76140, 76212, 76240
08/26/10	ADOPT: 6531 AMEND: 6502, 6511, 6530	AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240
08/24/10	AMEND: 3700(c)	11/18/10 ADOPT: 70030, 70040, 71135, 71320,
08/19/10	AMEND: 3423(b)	71390, 71395, 71400.5, 71401, 71475,
08/17/10	AMEND: 3437	71480, 71485, 71640, 71650, 71655,
08/16/10	AMEND: 3425(b) and (c)	71716, 71750, 71760, 74110, 74115
08/13/10	AMEND: 3591.15(a) and (b)	AMEND: 70000, 70010, 70020, 71100,
08/11/10	AMEND: 3437	71110, 71120, 71130, 71140, 71150,
08/05/10	AMEND: 3423(b)	71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515,
Title 4		
12/14/10	AMEND: 10322(h)(5), 10325(c)(3)(B), 10325(c)(8)	
12/07/10	ADOPT: 12347, 12348 AMEND: 12002, 12345	
11/29/10	AMEND: 1374.2	
11/29/10	AMEND: 8070, 8072, 8073, 8074	
11/04/10	AMEND: 8034, 8035, 8042, 8043	
11/02/10	AMEND: 12480, 12488, 12492, 12494, 12496, 12498, 12499, 12501, 12502, 12504, 12508	
10/26/10	AMEND: 1844	
10/04/10	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036	
09/29/10	AMEND: 8070, 8072, 8073, 8074	
09/15/10	AMEND: 10323	
09/09/10	AMEND: 1766	
09/09/10	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164	
08/30/10	ADOPT: 213.2 AMEND: 211, 213, 293, 405	
08/20/10	AMEND: 130	
08/16/10	AMEND: 1689	
Title 5		
12/23/10	AMEND: 2, 30, 50, 70, 401, 641, 1021, 1023.1, 1025, 1030, 1633, 3082, 3088.1,	

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10/18/10 AMEND: 80015, 80015.1, 80015.2, 80015.3, 80015.4, 80021, 80021.1, 80024.7, 80024.8	Title 8 12/29/10 AMEND: 1709 12/09/10 AMEND: 2813 12/09/10 AMEND: 1742 12/08/10 AMEND: 344.30 12/08/10 AMEND: 1648, 1675, 3276, 3277, 3278, 3287, 3413, 3458.1 REPEAL: 1678, 3279, 3280 11/15/10 AMEND: 9701, 9702 11/04/10 AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 11/02/10 ADOPT: 5197 11/02/10 AMEND: 1504, 1637, 3622 10/27/10 ADOPT: 1600.1 AMEND: 1600, 1601 10/05/10 AMEND: 3395 09/27/10 AMEND: 10232.2 09/23/10 AMEND: 9767.3 09/14/10 AMEND: 10253.1 09/13/10 AMEND: 5206(d)(4)(a), 1532.2(d)(4)(a), 8359(d)(4)(a) 09/01/10 AMEND: 1502 08/30/10 AMEND: 4848 08/30/10 AMEND: 5158 08/25/10 AMEND: Appendix B following section 5207 08/17/10 AMEND: 4885 08/09/10 AMEND: 9767.3, 9767.6, 9767.8, 9767.12, 9767.16, 9880, 9881, 9881.1, 10139
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08/30/10 ADOPT: 30960, 30961, 30962, 30963, 30964	
08/24/10 REPEAL: 18015	
08/20/10 AMEND: 80001	
08/19/10 ADOPT: 59204.1	
08/19/10 ADOPT: 11967.6.1 AMEND: 11967.6	
08/09/10 ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033	

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		09/20/10	AMEND: 2494.4.9
		09/16/10	AMEND: 3006, 3007, 3007.05, 3007.2, 3007.3, 3007.6, 3008, 3010, 3011.1, 3011.2, 3011.4, 3012.2 REPEAL: 3005
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12/30/10	AMEND: 2614, 2614.7, 2614.13		
12/29/10	ADOPT: 2188.65, 2695.180, 2695.181, 2695.182, 2695.183 AMEND: 2190.2, 2190.3	Title 11	
12/29/10	AMEND: 2542.4	12/30/10	AMEND: 1005, 1060
12/23/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122	12/29/10	AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1052, 1053, 1055, 1056, 1071, 1080, 1081, 1083
11/04/10	AMEND: 2689.8(c)	11/02/10	ADOPT: 51.26
10/21/10	AMEND: 2498.6	10/07/10	ADOPT: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15 AMEND: 994.1, 994.2, 994.4, 994.5, 994.6 REPEAL: 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16
10/18/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741	10/06/10	AMEND: 9040, 9041
10/11/10	ADOPT: 2278.50, 2278.51, 2278.52, 2278.53, 2278.54, 2278.55, 2278.56, 2278.57, 2278.58, 2278.59	Title 13	
09/28/10	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436,	01/03/11	AMEND: 1239
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		11/09/10	AMEND: 551.15, 551.17, 556, 558, 561, 586
		11/08/10	AMEND: 1956.8, 1958, 1961, 1976, 1978, 2111, 2122, 2136, 2141 REPEAL: 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, 2174
		10/12/10	ADOPT: 1235.7 AMEND: 1200, 1235.1, 1235.2, 1235.4, 1256
		08/12/10	ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630
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		10/19/10	AMEND: Title 13: 2025, 2449, 2449.3, 2452, 2453, 2456, 2458, 2460, 2461, 2462 and Title 17: 93116.1, 93116.2, 93116.3
		Title 14	
		01/05/11	AMEND: 4970.00, 4970.01, 4970.05, 4970.08, 4970.09, 4970.13
		12/30/10	ADOPT: 1722.8, 1722.8.1, 1722.9, 1773.1, 1773.2, 1773.3, 1773.4, 1773.5, 1774.1, 1774.2, 1777, 1777.1, 1777.2,

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12/03/10 AMEND: 29.80

11/22/10 AMEND: 1220

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923.1, 923.2, 923.5, 934.7, 935.1, 936.9,
943.1, 943.2, 943.5, 954.7, 955.1, 956.9,
963.1, 963.2, 963.5, 1093.2, 1104.1

11/09/10 AMEND: 163, 164

10/27/10 AMEND: 18660.40

10/18/10 AMEND: 13800

10/11/10 ADOPT: 749.6

10/07/10 AMEND: 20030, 20040, 20050, 20060,
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10/05/10 AMEND: 125, 125.1

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

10/05/10 AMEND: 25231

09/21/10 AMEND: 502, 507

09/21/10 AMEND: 787.1, 787.4, 787.5, 787.6
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08/11/10 AMEND: 895.1, 916.9, 936.9, 956.9,
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936.9.1, 916.9.2, 936.9.2, 923.9.2,
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3084.4, 3084.5, 3084.6, 3084.7, 3137,
3173.1, 3179, 3193, 3220.4, 3482, 3630,
3723 REPEAL: 3085

11/22/10 ADOPT: 1747.1, 1749.1, 1750.1
AMEND: 1706, 1747, 1748, 1749, 1750,
1752, 1756, 1757, 1767

11/16/10 AMEND: 1730, 1778, 1790

10/14/10 ADOPT: 4168.7, 4171.5 AMEND: 4166,
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4170.5, 4171, 4173, 4174, 4174.5, 4174.6
REPEAL: 4172

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09/22/10 ADOPT: 3999.9

09/09/10 AMEND: 3605

08/19/10 ADOPT: 3268.3 AMEND: 3000, 3268,
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08/13/10 ADOPT: 3540, 3541, 3542, 3543, 3544,
3545, 3546, 3547, 3548, 3560, 3561,
3562, 3563, 3564, 3565

08/11/10 AMEND: 3350.2, 3352.2, 3356, 3358,
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08/04/10 ADOPT: 3042 AMEND: 3040, 3040.1,
3041, 3041.2, 3043, 3043.1, 3043.3,
3043.4, 3043.5, 3043.6, 3044, 3045,
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12/20/10 ADOPT: 1399.557

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48.1, 48.2, 48.3, 48.5, 48.6

12/15/10 ADOPT: 321.1

12/14/10 AMEND: 1018

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11/24/10 AMEND: 1417

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11/18/10 AMEND: 811

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11/08/10 AMEND: 1974, 1996.1

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

10/12/10 AMEND: 1399.501, 1399. 511,
1399.520, 1399.525, 1399.526,
1399.527, 1399.545, 1399.550,
1399.556, 1399.573, 1399.612
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09/30/10 AMEND: 4200, 4202, 4204, 4206, 4208,
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4226, 4228, 4230, 4234, 4236, 4240,
4242, 4244, 4246, 4248, 4250, 4252,
4254, 4258, 4264

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117(e)(2), 121(a)(2)

09/23/10 AMEND: 1391.1

09/23/10 ADOPT: 1399.419.1, 1399.419.2

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48.1, 48.2, 48.3, 48.5, 48.6

09/21/10 ADOPT: 1426.1, 1430, 1431 AMEND:
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08/25/10 AMEND: 427.10, 427.30

08/18/10 AMEND: 1721, 1723.1

08/12/10 AMEND: 2537, 2590

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12/23/10 AMEND: 94508, 94509

11/10/10 AMEND: 50300

11/09/10 AMEND: 30253, 30255, 30256

10/20/10 ADOPT: 95380, 95381, 95382, 95383,
95384, 95385, 95386, 95387, 95388,

95389, 95390, 95391, 95392, 95393,
95394, 95395, 95396, 95397, 95398
10/13/10 AMEND: 30100, 30195 REPEAL:
30321, 30321.1, 30322
09/20/10 AMEND: 94508, 94509, 94510, 94511,
94512, 94513, 94515
09/09/10 AMEND: 94801, 94804, 94805, 94806
09/02/10 AMEND: 94700, 94701
08/30/10 ADOPT: 95550
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70300, 70301, 70302, 70303, 70303.1,
70303.5, 70304, 70305, 70306

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65700.8, 65700.10, 65700.12, 65710,
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65740, 65745, 65750, 65755
12/21/10 ADOPT: 64417, 64418, 64418.1,
64418.2, 64418.3, 64418.4, 64418.5,
64418.6, 64418.7
12/15/10 AMEND: 100105
11/10/10 AMEND: 51516.1
10/26/10 AMEND: 97234, 97264, 97267
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10/11/10 AMEND: 88030
09/03/10 ADOPT: 84067 AMEND: 83064, 84001,
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12/17/10 ADOPT: 596, 596.1, 596.2, 596.3, 596.4,
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12/15/10 AMEND: 3943
12/07/10 ADOPT: 3909 AMEND: 3900
11/18/10 AMEND: 2200, 2200.3, 2200.4, 2200.6
11/17/10 AMEND: 1062, 1064, 1066, 3833.1
11/4/20 ADOPT: 3929.5
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09/22/10 ADOPT: 2921
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09/03/10 ADOPT: 31-021 AMEND: 31-003,
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08/26/10 AMEND: 40-188
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