



# California Regulatory Notice Register

REGISTER 2014, NO. 43-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 24, 2014

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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.

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

## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

The Fair Employment and Housing Council (Council) proposes to amend sections 11005.1 to 11141 of Title 2 of the California Code of Regulations after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The Department will hold a public hearing at **10:00 a.m. on December 8, 2014**, at the University of California, Davis School of Law, 400 Mrak Hall Drive, Room 1303, **Davis**, California 95616.

The hearing room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Council requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Council. The written comment period closes at **5:00 p.m. on December 8, 2014**. The Council will consider only comments received by that time. Written comments can be mailed to:

Fair Employment and Housing Council  
c/o Annmarie Billotti, Acting Director  
Department of Fair Employment and Housing  
2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758

Comments may also be submitted by e-mail to [FEHCouncil@dfeh.ca.gov](mailto:FEHCouncil@dfeh.ca.gov).

#### AUTHORITY AND REFERENCE

Government Code section 12935(a) authorizes the Council to adopt these proposed regulations. The pro-

posed regulations implement, interpret, and make specific section 12900 et seq. of the Government Code.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This rulemaking action clarifies, makes specific, and supplements existing state regulations interpreting the Fair Employment and Housing Act (FEHA) set forth in Government Code section 12900 et seq. As it relates to employment, the FEHA prohibits harassment and discrimination because of the race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and/or veteran status of any person.

In compliance with the Administrative Procedure Act (APA), the Council proposes to adopt these rules as duly noticed, vetted, and authorized regulations. Since the Council's predecessor entity previously promulgated FEHA regulations, the broad objective of the proposed amendments is to further supplement those regulations, primarily by clarifying confusing rules, making technical amendments to ease readability, and conforming the regulations to recent statutory amendments. This action has the specific benefit of creating a more comprehensive set of rules to ensure that employees and employers better understand their rights and duties, in turn reducing litigation costs and the burden on courts. Ultimately, the proposed action furthers the mission of the DFEH by protecting Californians from employment discrimination and by enforcing non-discrimination laws statewide.

In addition to technical amendments and statutory updates, the proposed amendments most notably clarify and/or articulate: (1) the standard for establishing discrimination; (2) the definition of "interns and volunteers"; (3) that a victim of human trafficking may have a separate right of action under the FEHA; (4) when an employee may be personally liable for harassing a co-employee; (5) the standards for harassment and discrimination prevention and correction; (6) the requirement to provide training on "abusive conduct" as a component of sexual harassment training; (7) the standard for discrimination on the basis of possessing a driver's license granted under Section 12801.9 of the Vehicle Code; (8) the definitions of "sex," "gender identity," "gender expression," "transgender," and "sex stereotype"; (9) that it is no defense to a complaint of harassment based on sex that the alleged harassing conduct was not motivated by sexual desire; (10) the standards for what constitute sexual harassment; (11) that four months is the leave entitlement for pregnancy disability leave; (12) the standard and content for posting notice

of the right to take pregnancy disability leave; (13) the definition and scope of “religious creed”; (14) the definition of “support animal”; and (15) the elimination of affirmative action as it relates to state contracts.

The Council has determined that the proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Council has concluded that these are the only regulations that concern the Fair Employment and Housing Act.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Council has made the following initial determinations:*

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

**Cost or savings to any state agency:** No additional costs or savings beyond those imposed by existing FEHA regulations.

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

**Other non-discretionary cost or savings imposed on local agencies:** No additional costs or savings beyond those imposed by existing FEHA regulations.

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

**Cost impacts on a representative private person or businesses:** No additional costs or savings beyond those imposed by existing FEHA regulations. Therefore, 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.

**Results of the economic impact assessment/analysis:** The Council anticipates that the adoption of the regulations will not impact the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state. To the contrary, adoption of the proposed amendments to existing regulations is anticipated to benefit California businesses, workers, and the state’s judiciary by clarifying and streamlining the operation of the law, making it easier for employees and employers to understand their rights and obligations, and reducing litigation costs for businesses.

**Statewide adverse economic impact directly affecting businesses and individuals:** The Council has

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

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

**Small Business Determination:** The Council anticipates that the regulations will not create additional costs or savings beyond those imposed by existing FEHA regulations. Similarly, the Council has determined that there is no impact on small businesses as a result of this proposed action because these regulations primarily serve to clarify existing rules and to update the rules with recent statutory amendments. Therefore, 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.

**Business Report:** The Council has determined that the proposed regulations do not require a report to be made.

CONSIDERATION OF ALTERNATIVES

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

The Council has thus far not become aware of a better alternative and invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Anmarie Billotti, Acting Director  
 Department of Fair Employment and Housing  
 2218 Kausen Drive, Suite 100  
 Elk Grove, CA 95758  
 Telephone: (916) 478-7248  
 E-mail: [anmarie.billotti@dfeh.ca.gov](mailto:anmarie.billotti@dfeh.ca.gov)

The backup contact person for these inquiries is:

Brian Sperber, Legislative & Regulatory Counsel  
 Department of Fair Employment and Housing  
 320 West 4th Street, 10th Floor  
 Los Angeles, CA 90013  
 Telephone: 213-337-4495  
 E-mail: [brian.sperber@dfeh.ca.gov](mailto:brian.sperber@dfeh.ca.gov)

Please direct requests for copies of the proposed text (express terms) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, should other sources be used in the future, to Brian Sperber at the above address.

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

The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting Brian Sperber at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Brian Sperber at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be available on the Council's Web page <http://www.dfeh.ca.gov/FEHCouncil.htm>.

Copies also may be obtained by contacting Brian Sperber at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and any modified texts and the Final Statement of Reasons can be accessed through the Council's Web page at <http://www.dfeh.ca.gov/FEHCouncil.htm>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY:	California State Lottery Commission
MULTI-COUNTY AGENCY:	Merced Community College District California Risk Management Authority I California Risk Management Authority II

A written comment period has been established commencing on October 24, 2014 and closing on **December 8, 2014**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 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 her review, unless any interested person or his/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.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **December 8, 2014**. 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 Ivy Branaman, 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 re-

spective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 2. STATE ALLOCATION BOARD**

### **THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.76, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998**

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Sections, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### **AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code, and makes specific reference Sections 17070.35, 17072.12, and 17072.35 of the Education Code.

#### **INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT**

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

The SAB, at its August 20, 2014 meeting, adopted a proposed regulatory amendment to the SFP Regulations to extend for one year the additional grant to school districts for new construction general site devel-

opment costs. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

Bond Funds Impacted

The following four State school bonds were authorized by the Legislature and approved by the State’s electorate for purposes of school facility construction:

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

Background and Problem Being Resolved

The SAB adopted the additional grant for general site development costs at its June 28, 2006 meeting. The proposed regulation was approved by the OAL and filed with the Secretary of State on September 5, 2006. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

As first implemented, the additional grant for general site development costs was to be suspended “no later than January 1, 2008” unless extended by the SAB. The following is a sequence of events extending the additional grant for general site development:

- First One–Year Extension: The SAB, at its December 12, 2007 meeting, approved emergency regulations extending the suspension date to “no later than January 1, 2009,” which was approved by the OAL and filed with the Secretary of State on March 3, 2008.
- Second One–Year Extension: The SAB, at its February 25, 2009 meeting, approved extending the suspension date to “no later than January 1, 2010,” which was approved by the OAL and filed with the Secretary of State on September 18, 2009.

- Third One–Year Extension: The SAB, at its November 4, 2009 meeting, approved extending the suspension date to “no later than January 1, 2011,” which was approved by the OAL and filed with the Secretary of State on April 8, 2010.
- Fourth One–Year Extension: The SAB, at its June 23, 2010 meeting, approved extending the suspension date to “no later than January 1, 2012,” which was approved by the OAL and filed with the Secretary of State on April 27, 2011.
- Fifth Two–Year Extension: The SAB, at its July 12, 2011 meeting, approved extending the suspension date to “no later than January 1, 2014,” which was approved by the OAL and filed with the Secretary of State on December 28, 2011.
- Sixth One–Year Extension: The SAB, at its May 22, 2013 meeting, approved extending the suspension date to “no later than January 1, 2015,” which was approved by the OAL, filed with the Secretary of State on October 30, 2013, and took effect January 1, 2014, due to Senate Bill 1099, Chapter 295, Statutes of 2012.

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per–pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

Attached to this Notice is the specific regulatory language of the proposed regulatory action. You may also review the proposed regulatory language on the OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc). Copies of the amended regulatory text will be mailed to any person requesting this information by using the OPSC contact information set forth below. The proposed regulations amend the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Financial Impact

From its inception in 2006 through June 25, 2014, 465 school facility projects have received the general site development additional grant, averaging \$547,568 per project in State bond cost. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

The SAB is currently providing unfunded project approvals for the Charter School Facilities Program, Facility Hardship, and Overcrowding Relief Grant Program until other sources of New Construction funding

such as SFP project rescissions or fund transfers have occurred.

The bond funds apportioned to date for the general site development grant are:

	FY <u>2006/07</u>	FY <u>2007/08</u>	FY <u>2008/09</u>	FY <u>2009/10</u>	FY <u>2010/11</u>	FY <u>2011/12</u>	FY <u>2012/13</u>	FY <u>2013/14</u>	<u>TOTAL</u>
# of Projects	127	141	71	69	19	11	23	4	465
Total \$ Apportioned (in millions)	\$62.3	\$71.6	\$46.3	\$42.3	\$8.9	\$5.1	\$16.8	\$1.3	\$254.6

Anticipated Benefits of the Proposed Regulation

Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.

This regulation affects various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, along with the creation of an unknown amount of [temporary] jobs. There is a public health and safety impact assigned to this regulation. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.

The proposed regulatory amendment is therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of this regulatory amendment will have a positive impact on public health and safety at K-12 public schools because school site occupants will have less risk of injury for the reasons noted above.

Summary of the proposed regulatory amendment is as follows:

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. It provides that the additional grant for general site development costs shall be suspended “no later than January 1, 2015” unless extended by the SAB. The proposed amendment extends the suspension of the additional grant for general site development costs until “no later than January 1, 2016.”

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by

this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is required.

After conducting a review, the OPSC, on behalf of the SAB, has concluded that this is the only regulation on this subject area, and therefore, the proposed regulation is neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendment is within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:
- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulation creates no costs to any local agency, school district, or charter school requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulation creates no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

*Impact to Businesses and Jobs in California*

There is a positive economic impact to California business by extending for one year the SFP general site development grant. This will provide the funds to school districts building new construction projects to contract with businesses and suppliers for necessary

landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, thus supporting jobs in these construction-related industries. The proposed regulation:

- Continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects;
- Extends this additional grant until “no later than January 1, 2016”;
- Adds an average \$547,568 per project in State bond funds to the SFP new construction funding model, which includes the pupil grant base amount and other additional grants;
- Creates an unknown amount of (temporary) jobs in landscaping, concrete, asphalt, finishing, playground and athletic field equipment, and other construction trades, along with stimulating the economy; and
- Could potentially create savings for a school district to utilize towards another high priority capital outlay project.

Further, by extending the SFP general site development grant for another year, it will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements because school districts will be able to more fully afford them. Failure to implement this regulation may require reducing the scope of work for some school projects.

This regulation affects various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, along with the creation of an unspecified number of [temporary] jobs.

Therefore, the proposed regulation will not impact the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulation will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, and the State's Environment

- There is a health and safety impact assigned to this regulatory amendment. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.
- Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.
- This regulation affects various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, along with the creation of an unspecified number of [temporary] jobs.
- There is no impact to the State's environment from the proposed regulation.

EFFECT ON SMALL BUSINESSES

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

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than December 8, 2014, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action,

requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator

Mailing Address: Office of Public School  
Construction  
707 Third Street, 9th Floor  
West Sacramento, CA 95605

E-mail Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)

Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ron Koeppel at (916) 375-2032. If Mr. Koeppel is unavailable, these questions may be directed to the backup contact person, Ms. Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

ADOPTION OF REGULATIONS

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

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

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

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

RULEMAKING FILE

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

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

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

ALTERNATIVES

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

**TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS, OFFICE OF THE DIRECTOR**

The Director of Industrial Relations (“Director”), proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

Notice is hereby given that the Director, pursuant to rulemaking authority derived from Labor Code sections 55, 59, and 139.48, in order to implement, interpret and make specific sections 139.48 of the Labor Code, proposes to adopt Sections 25101–25111 Chapter 8 Subchapter 8 of title 8 of the California Code of Regulations (“CCR”) concerning a Return-to-Work Supplement Program.

pret and make specific sections 139.48 of the Labor Code, proposes to adopt Sections 25101–25111 Chapter 8 Subchapter 8 of title 8 of the California Code of Regulations (“CCR”) concerning a Return-to-Work Supplement Program.

PUBLIC HEARING

The Director will hold public hearings on December 8, 2014 from 10:00 a.m. to 3:00 p.m. at 1515 Clay Street, Oakland, California, and on December 9, 2014 from 1:30 p.m. to 4:30 p.m. at the State Building, 320 West 4th Street, Los Angeles, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Director requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Tess Gormley, 1515 Clay St., Oakland, CA 94612. Written comments may also be sent to Tess Gormley (1) via electronic mail to [LC139.48Comments@dir.ca.gov](mailto:LC139.48Comments@dir.ca.gov) or (2) via fax to (510) 622–3265. To be considered, written comments must be received by the Director no later than 5:00 p.m., December 9, 2014.

AUTHORITY AND REFERENCE

Labor Code section 139.48 directs the creation of a return-to-work program and charges the Director with establishing the amount of payments and eligibility for payments by regulation. The proposed regulations implement, interpret, and make specific section 139.48. The Director is also acting under authority of sections 58–59 of the Labor Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Legislature enacted Labor Code section 139.48 which establishes a program for providing a Return-to-Work Supplement to those injured workers whose wage loss is disproportionate to their permanent disability benefit.

The Director is charged with issuing regulations to implement this program. In particular, the Director is to determine the amount of the payment and the eligibility for the payment. The Legislature created a \$120 million

fund for the purpose of making supplemental payments to workers. Eligibility for payments was to be determined by the Director based on studies conducted by the Director in consultation with the Commission on Health and Safety and Workers' Compensation. A study was done by RAND concerning permanent disability entitled "*Identifying Permanently Disabled Workers with Disproportionate Earnings Losses for Supplemental Payments*," RAND, February 2014. [http://www.dir.ca.gov/chswc/Reports/2014/Earnings\\_Losses\\_2014.pdf](http://www.dir.ca.gov/chswc/Reports/2014/Earnings_Losses_2014.pdf). That study confirmed findings of earlier RAND research that shows that workers who do not return to the same job with the same employer tend to have a much greater earnings loss than those workers who are able to return to the same job. Some thought was given to attempting to quantify actual wage loss however this proved impossible in any way that would be practical for payment of this benefit. Some workers voluntarily leave the workforce and may reenter at a much later date. It would be problematic to attempt to pick a date to use to determine actual individual wage loss, and even if that were possible to determine on a case by case basis the cause of the wage loss. In view of the number of participants in the workers' compensation system and the size of the fund, the Director determined that it would be preferable to establish a program that was simple to understand, and easy and inexpensive to operate and that could provide some payments to those workers most likely to have disproportionate wage loss, or to have already had disproportionate wage loss at a point close in time to when the individual was determined to be entitled to the Supplemental Job Displacement Benefit.

The Director proposes to add sections 25101 to 25111 to Chapter 8, Subchapter 8, Article 1 of 8 California Code of Regulations. 25101 is a general description of the scope of the regulations. 25102 provides definitions of terms used in the regulations. 25103 establishes that those injured workers who receive a Supplemental Job Displacement Benefit because they cannot return to the job they were doing at the time when they were injured would be eligible for a Return-to-Work Supplement. 25104 requires that the Supplemental Job Displacement Benefit voucher includes a notice about the Return-to-Work Supplement. 25105, 25106, 25107, and 25108 describe the application process. All applications would be made electronically on the DIR website. 25109 sets the amount of the Return-to-Work Supplement at \$5,000.00 and allows the Director to adjust this amount based on further studies or the number of anticipated eligible individuals. 25110 provides for an appeal process to the trial level of the Workers' Compensation Appeals Board. 25111 provides notice that an application for this benefit is a claim for benefits from the state under the False Claims Act.

Anticipated Benefits of the Proposed Regulations

The objective of these regulations is to implement the Legislature's creation of a Return-to-Work fund in a manner that is objective, simple and directly benefits injured workers most likely to have disproportionate wage loss compared to their permanent disability benefits. The Director expects that this program will be able to deliver payments in a timely manner to those workers who cannot return to their former job who are receiving the Supplemental Job Displacement Benefit. Providing this supplement will further assist these workers in their transitions from their former employment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Director has conducted an evaluation of whether or not the proposed regulations are inconsistent or incompatible with existing state regulations. These regulations implement a new program and are the only regulations concerning the Return-to-Work Supplement. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

No comparable federal regulation or statute exists. Please see the Director's Initial Statement of Reasons for further information.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Director has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. These proposed changes to the regulations do not impose any significant economic impact independent of the statutes. Costs imposed on individuals seeking benefits are not significant.
- Impact or effect on small businesses: None. These proposed changes to the regulations do not impose any significant economic impact or effect independent of the statute.
- Significant effect on housing costs: None. These proposed changes to the regulations do not impose any significant economic impact independent of the statute. Costs imposed on individuals seeking payments are not significant.
- Cost impacts on representative private person or business: The Director is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. A representative person seeking payment would be able to apply on line at locations made available by the Department.

RESULTS OF THE STANDARDIZED  
REGULATORY IMPACT ASSESSMENT  
(SRIA)(Gov. Code sec 11246.3(c)(1)(A)–(F))

Creation or elimination of jobs within the state: unlikely to have an overall impact on job creation or elimination as a result of the regulation.

Creation or elimination of businesses within the state: unknown creation of business, unlikely elimination of business.

Competitive advantages or disadvantages for California Businesses: there is a slight increase in workers' compensation costs as a result of the statute; the regulations do not add significant costs.

Increase or decrease of investment in California: unknown.

Incentives for innovation in products, materials, or processes: There may be a small incentive for innovation in workplace safety procedures and practices.

Benefits of the regulation: the regulation will allow distribution of \$120 million to injured workers and may incentivize safety improvements. Employers may become more safety conscious. These regulations are neutral as to the environment.

DEPARTMENT OF FINANCE COMMENTS

Pursuant to Government Code section 11346.3(f) the Department of Finance comments on the Department's SRIA and the following is the Department's summary of those comments and the Department's response.

**Comment One**

The Department may want to expand its qualitative discussion on macro impacts of the proposed regulations. There could be a decrease in investment if businesses reduce operations in response to the \$120 million dollar assessment, or an increase if the higher assessment leads to investment in safer workplaces.

**Response to Comment One**

The Department revised the "Impact on California Individuals and Business Enterprises" section of the SRIA to elaborate on these macro impacts.

**Comment Two**

The Department should expand the discussion on industry-level impact if there is data available. The \$120 million dollar assessment will be proportional to workers' compensation insurance costs and it would be helpful to show numbers to illustrate this distribution. It would also be helpful to complement this industry-level analysis with the offsetting impacts from the personal consumption by workers receiving the Supplement.

**Response to Comment Two**

The Department revised the section entitled "Impact on California Individuals and Business Enterprises" of the SRIA to include additional detail on industry level impact. The Department agrees that in the future it would be useful to have additional information about the impact on personal consumption by workers. A case can be made that the impacted workers are more likely to spend on basics in California and a case can be made that under those circumstances workers and employers would spend the same percentage in California.

FISCAL IMPACTS

- Costs or savings to state agencies or costs / savings in federal funding to the State: The program is funded by a fund created by Labor Code section 139.48. The Director does not anticipate that these regulations will create any costs or savings for state agencies or in federal funding.
- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs / savings imposed upon local agencies: None.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Tess Gormley at (510) 286-0787. Inquiries regarding the substance of the proposed regulations may be directed to Fred Lonsdale at (510) 286-3800.

**AVAILABILITY OF INITIAL STATEMENT  
OF REASONS AND TEXT OF PROPOSED  
REGULATIONS/INTERNET ACCESS**

An initial statement of reasons and the text (“express terms”) of the proposed regulations have been prepared and are available from the contact person named in this notice. The Director will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office located at the above address. Rulemaking records may be accessed through the agency’s Internet website at [www.dir.ca.gov](http://www.dir.ca.gov).

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After holding the hearings and considering all timely and relevant comments received, the Director may adopt the proposed regulations substantially as described in this notice. If the Director makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Director adopts the regulations as revised. Any such modifications will also be posted on the Director’s website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Director will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

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

**TITLE 9. DEPARTMENT OF  
STATE HOSPITALS**

**REHABILITATIVE AND  
DEVELOPMENTAL SERVICES**

**DIVISION 1. DEPARTMENT OF  
MENTAL HEALTH**

The Department of State Hospitals (DSH) (formerly Department of Mental Health) proposes to amend Section 881 of the California Code of Regulations, Title 9,

concerning the definition of mental disorder and mental health disorder after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Department will hold a public hearing starting at 2:30 p.m. on December 12, 2014, at the Department of State Hospitals, 1600 9th Street, Room 100, Sacramento, California. The Department of State Hospital’s building is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. DSH requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DSH. Comments may also be submitted by facsimile (FAX) at (916) 651-3090 or by e-mail to [DSH.Regulations@dsh.ca.gov](mailto:DSH.Regulations@dsh.ca.gov). The written comment period closes at 5:00 p.m. on **December 8, 2014**. DSH will consider only comments received at the Department offices by that time. Submit comments to:

Regulations Unit  
Department of State Hospitals  
1600 9th Street, Room 410  
Sacramento, CA 95814

**AUTHORITY AND REFERENCES**

Authority: Sections 4005.1 and 4101, Welfare and Institutions Code.

References: Sections 4005.1 and 4027, Welfare and Institutions Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The California Code of Regulations, Title 9, Division 1, Chapter 4.5, Article 1, Section 881(m) currently defines mental disorder as a “diagnosed mental disorder listed in the American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, DSM-IV-TR, 2000.” This rulemaking action will update the regulation text to reflect the recent release of the Fifth Edition, DSM 5,

revised in May 2013 and incorporated by reference. It also reflects the recent statutory change in mental health language by including “mental health disorder.”

The Diagnostic and Statistical Manual (DSM) is the nationally recognized source used by mental health clinicians in the diagnosis of mental health disorders affecting mood, personality, identity, cognition and more. The DSM is published by the American Psychiatric Association (APA) and has been updated several times since its first release in 1952. It standardizes diagnoses by psychiatrists, psychologists, social workers, nurses and other health and mental health professionals. The APA recently released the DSM 5, which will be the first full revision since 1994 and represents the contributions of more than 1,500 distinguished mental health and medical experts from around the world as part of an extensive and rigorous development process.

Effect of the Proposed Rulemaking

This action will allow DSH to implement the use of the Fifth Edition, DSM 5, 2013, thereby ensuring the protection and safety of the public, the state hospital patients and the state hospital employees. This rulemaking action will also ensure patients’ rights to be diagnosed with the most current diagnostic resource.

Comparable Federal Regulations or Statutes

This regulation would cause no significant differences in existing comparable federal regulations or statutes.

Benefits Anticipated from the Proposed Action

- Allow DSH to operate under the contemporary publication of the DSM.
- Ensure the protection and safety of the public, the state hospital patients, and the state hospital employees.
- Ensure that patients are evaluated and diagnosed using the most current diagnostic information available which is based on extensive research and rigorous development process by the American Psychiatric Association.

Consistency Evaluation

During the process of developing this regulation amendment, DSH has conducted a search of any similar regulations on this topic and has concluded that this regulation is neither inconsistent nor incompatible with existing state regulations.

DOCUMENT INCORPORATED BY REFERENCE

DSH intends to incorporate by reference, the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published in May 2013. This publication is readily available to the public through Thomson Reuters/BARCLAYS and the

Internet. The public may access this document incorporated by reference by copying and pasting this URL on the Internet Browser: <http://www.dsm5.org>. Any interested parties wishing to review the DSM 5 may also contact the Regulations Unit at (916) 653–2257 to schedule an appointment.

DSH HAS MADE THE FOLLOWING INITIAL DETERMINATIONS

Mandated by Federal Law or Regulations

This action is not mandated by federal law or regulations.

Mandates on Local Agencies or School Districts

DSH has determined that this regulation will not impose a mandate on local agencies or school districts.

Mandate Requires State Reimbursement Pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code

DSH has determined that this regulation will not impose a mandate on local agencies or school districts and therefore no state reimbursement is required.

Fiscal Impact

Costs to Any Local Agency or School District that Requires Reimbursement Pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code: DSH has determined that this regulation will not impose costs to any local agency or school district that require reimbursement.

Costs or Savings to Any State Agency: DSH anticipates there will be no fiscal impact to any State agency.

Non–discretionary Costs or Savings Imposed on Local Agencies: DSH anticipates there will be no fiscal impact to local agencies.

Costs or Savings in Federal Funding to the State: DSH anticipates there will be no fiscal impact in federal funding to the State.

Significant Effect on Housing Costs

DSH anticipates there will be impact on housing costs.

Significant, Statewide Adverse Economic Impact Affecting Businesses, Including Ability to Compete

The Department has initially determined that the proposed 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.

Costs or Savings to Individuals or Businesses

DSH is not aware of any cost impacts that an individual or business would necessarily incur in reasonable compliance with the proposed action.

STATEMENT OF THE RESULTS OF  
THE ECONOMIC IMPACT ASSESSMENT

Adoption of these regulations will not:

- create or eliminate total jobs within California;
- create new businesses or eliminate existing businesses within California;
- affect the expansion of businesses currently doing business in California.

Benefits

This regulation allows DSH to diagnose state hospital patients with the most current version of the DSM 5 thereby protecting the health and welfare of California residents and worker safety. This rulemaking action will also ensure patients' rights to be diagnosed with the most current diagnostic resource.

Cost Impacts on a Representative Person or Business

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

Business Report

This regulation does not require a business report to be made.

Small Business Determination

DSH is not aware of any impact this proposed action will have on small businesses, because this regulatory action serves to clarify/update the current definition of "mental disorder" and "mental health disorder."

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Karen Gillham  
Chief  
Regulations Unit  
Department of State Hospitals  
1600 9<sup>th</sup> Street, Room 410  
Sacramento, CA 95814  
Telephone: (916) 653-2257  
Desk: (916) 651-5578  
E-mail: [karen.gillham@dsh.ca.gov](mailto:karen.gillham@dsh.ca.gov)

The back-up contact person for these inquiries is:

Sherry Barandas  
Staff Services Manager I  
Regulations Unit  
Department of State Hospitals  
1600 9<sup>th</sup> Street, Room 410  
Sacramento, CA 95814  
Telephone: (916) 653-2257  
Desk: (916) 651-3222  
E-mail: [sherry.barandas@dsh.ca.gov](mailto:sherry.barandas@dsh.ca.gov)

Please direct requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to the Regulations Unit at the above address.

AVAILABILITY OF THE STATEMENT  
OF REASONS, TEXT OF THE  
PROPOSED REGULATION AMENDMENT,  
AND THE RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting the Regulations Unit.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulation amendment substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the Regulations Unit at the address indicated above. The Department will accept written comments on the modified regula-

tions for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the Regulations Unit at the above address.

AVAILABILITY OF DOCUMENTS  
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at [www.dsh.ca.gov](http://www.dsh.ca.gov).

**TITLE 10. DEPARTMENT OF  
BUSINESS OVERSIGHT**

The Commissioner of the Department of Business Oversight (Department) proposes to adopt Section 1422.3 within article 1 of subchapter 5, and Section 950.122.4.2 within article 2 of subchapter 11.5, of title 10, chapter 3 of the California Code of Regulations. The proposed sections relate to the exemptions for federally-regulated depository institutions set forth in Financial Code section 22050, and subdivision (c)(1) and (c)(2) of Financial Code section 50002. The proposed rule would effectively withdraw several past Commissioner's Opinions<sup>1</sup> that interpreted subsidiaries of federally-regulated depository institutions as within the statutory exemption from licensure under respective financial services licensing laws, and instead provide that non-depository subsidiaries, affiliates, and agents of banks and other depository institutions do not fall within the licensure exemptions for a bank or savings association under the California Finance Lenders Law ("CFLL") or the California Residential Mortgage Lending Act ("CRMLA"), except as provided.

<sup>1</sup> Commissioner's Opinion No. 95/1 RMLA, 1995 Cal. Sec. LEXIS 3, October 11, 1995; Commissioner's Opinion No. OP 6590 CFLL, 1996 Cal. Sec. LEXIS 6, October 22, 1996; Commissioner's Opinion No. OP 6595 CFLL, 1996 Cal. Sec. LEXIS 9, November 5, 1996; and Commissioner's Opinion No. OP 6738 CFLL, 1999 Cal. Sec. LEXIS 1, August 5, 1999.

AUTHORITY  
(Government Code Section 11346.5,  
Subdivision (a)(2))

The Department proposed this regulatory action under the authority vested in Financial Code sections 22150 and 50002.

REFERENCE  
(Government Code Section 11346.5,  
Subdivision (a)(2))

The Department proposes this regulatory action to implement, interpret, and make specific Financial Code sections 22050 and 50002.

INFORMATIVE DIGEST  
(Government Code Section 11346.5,  
Subdivision (a)(3))

Under the CFLL, no person may engage in the business of a finance lender or broker without obtaining a finance lender license. However, the Jaw is not applicable to any person doing business under any law of any state or the United States relating to banks or savings and loan associations. Under the CRMLA, no person may engage in the business of making residential mortgage loans or servicing residential mortgage loans in this state, without first obtaining a license under the CRMLA. However, banks doing business under the authority of, or in accordance with, a license, certificate, or charter issued by the United States or any state, district, territory, or commonwealth of the United States are exempt from the licensure requirement under the CRMLA. In addition, federally chartered savings and loans associations, federal savings banks, and federal credit unions authorized to transact business in this state are exempt from the licensure requirement under the CRMLA.

This proposed action would provide that the exemptions for depository institutions in the CFLL and the CRMLA do not include a nondepository subsidiary, affiliate or agent of a depository institution, unless that subsidiary, affiliate or agent is itself chartered as a national bank or federal savings association, or unless the lender is a nondepository operating subsidiary of a national bank or federal savings association making commercial loans.

The broad objectives and specific benefits of this rulemaking action include promoting the uniform oversight of nondepository consumer lending in California, including ensuring that regulatory requirements and consumer protections under the CFLL and the CRMLA are uniformly applicable to consumer finance and mortgage lenders and brokers. In addition, the objectives

and benefits include ensuring that California borrowers have a state regulator that can assist them with consumer complaints and requests for assistance, without regard to the organizational structure of the nondepository lending institution. Finally, the objectives and benefits include ensuring that the state regulator has authority to exercise visitorial powers over nondepository lending institutions doing business in this state, for the protection of consumers against unlawful, unfair or deceptive lending practices.

The Department has evaluated whether the proposed rulemaking action is inconsistent or incompatible with existing regulations, and has determined that the proposed rulemaking action is not inconsistent or incompatible with existing regulations. On January 10, 2014, Section 1422 of title 10 of the California Code of Regulations was amended to no longer require an applicant for a finance lender license to represent that it is not an operating subsidiary of a federally chartered bank or financial institution.

**ANY OTHER MATTERS PRESCRIBED  
BY STATUTE**

(Government Code 11346.5, Subdivision (a)(4))

No other matters are prescribed by statute.

**DETERMINATION REGARDING MANDATE  
ON LOCAL AGENCIES OR SCHOOL DISTRICTS**  
(Government Code 11346.5, Subdivision (a)(5))

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

**ESTIMATE OF COST OR SAVINGS**  
(Government Code Section 11346.5,  
Subdivision (a)(6))

State Agency

This regulatory action may result in an increase in the number of license applications received by the Department under both the CFLL and CRMLA. The Department anticipates reviewing fewer than 50 additional applications, combined, under both the CRMLA and the CFLL licensing programs. The Department anticipates that this increase will be absorbable within existing resources.

Other

This regulatory action will not result in any cost to any local agency or school district required to be reimbursed, will not result in other nondiscretionary cost or savings imposed on local agencies, and will not result in cost or savings in federal funding to the state.

**DETERMINATION REGARDING ADVERSE  
ECONOMIC IMPACT**

(Government Code Section 11346.5,  
Subdivision (a)(7) and (8))

The Department has made an initial determination that this regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**DESCRIPTION OF ALL COST IMPACTS  
ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS**

(Government Code Section 11346.5,  
Subdivision (a)(9))

While this rulemaking action will not impact existing licensees, the Department anticipates that the rulemaking action will impact federal banks and savings associations that have operating subsidiaries, affiliates or agents that are engaged in mortgage or finance lending in this state but not licensed by the Department. The Department anticipates the cost to obtain a license to be in the range of \$10,000, which includes the license and fingerprint fees, professional fees, and labor to complete application. The Department anticipates the annual ongoing cost to be \$8,500 a year, which includes annual fees, reports, and periodic regulatory examinations. The Department invites comments from interested parties on the cost of licensure.

**RESULTS OF ECONOMIC  
IMPACT ASSESMENT**  
(Government Code Section 11346.5,  
Subdivision (a)(10))

The Department has assessed the potential for adverse economic impact on California business enterprises and individuals, with consideration of the ability of California businesses to compete with businesses in other states.

The Department finds that this regulatory action will not result in the creation or elimination of jobs within the state; will not result in the creation of new businesses or the elimination of existing businesses within the state; and will not result in the expansion of businesses currently doing business within the state. The Department finds that this regulatory action will benefit the welfare of California residents by ensuring that nondepository mortgage and finance lenders making loans in this state are subject to the licensure and oversight requirements of the CFLL and CRMLA.

DETERMINATION OF EFFECT  
ON SMALL BUSINESS  
(Section 4 of Title 1 of the  
California Code of Regulations)

This regulatory action will not impact small business. Under subdivision (b)(1) of Government Code section 11342.610, consumer finance companies, commercial finance companies, and mortgage bankers are not small businesses.

FINDING REGARDING REPORT  
(Government Code Section 11346.5,  
Subdivision (a)(11))

This regulatory action does not require a report.

EFFECT ON HOUSING COSTS  
(Government Code Section 11346.5,  
Subdivision (a)(12))

This regulatory action will not have a significant effect on housing costs.

STATEMENT REGARDING  
REASONABLE ALTERNATIVES  
(Government Code Section 11346.5,  
Subdivision (a)(13))

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

COMMENT DEADLINE  
(Government Code Section 11346.5,  
Subdivision (a)(15))

Written comments related to the proposed action must be received by December 8, 2014 to be considered by the Department before it proceeds with this regulatory action. Comments may be submitted by e-mail to the following address:

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

Comments may be submitted by U.S. mail to the following address:

Department of Business Oversight  
Attention: Regulations Coordinator  
1515 K St., Ste. 200  
Sacramento, CA 95814

PUBLIC HEARING  
(Government Code Section 11346.5,  
Subdivision (a)(17))

A public hearing has not been scheduled. Any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period. If the Department receives a request for a public hearing, the Department will provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice with the Department.

AVAILABILITY OF THE NOTICE, STATEMENT  
OF REASONS, TEXT OF PROPOSED  
REGULATIONS AND RULEMAKING FILE  
(Government Code Section 11346.5,  
Subdivisions (a)(16) and (20), and (b))

The Department has prepared a statement of reasons for the proposed action, and has available all the information upon which the proposal is based and the express terms of the proposed action. This notice of rulemaking, the text of the proposed regulatory action, and the initial statement of reasons for the proposed regulatory action are available on the Department's website at [www.dbo.ca.gov](http://www.dbo.ca.gov). To access the documents from the Department's Web site, click on the "Laws & Regs" tab at the top of the home page, click on the "Rulemaking" link under "Division of Corporations", and then click on the "California Finance Lenders Law" or "California Residential Mortgage Lending Act" link.

The initial statement of reasons and proposed text may also be obtained at the front counter of any of the Department's locations, below, by requesting Document PRO 03/13-B or 03/13-C. The documents are also available from the contact person designated at the end of this notice.

**Los Angeles Office:**  
320 West 4th Street, Suite 750  
Los Angeles, CA 90013-2344

**San Diego Office:**  
1350 Front Street, Room 2034  
San Diego, CA 92101-3697

**Sacramento Office:**

1515 K Street, Suite 200  
Sacramento, CA 95814-4052

**San Francisco Office:**

One Sansome Street, Suite 600  
San Francisco, CA 94104-4448

As required by the Administrative Procedure Act, the Legal Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Business Oversight, Legal Division 1515 K Street, Suite 200, Sacramento California 95814.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

(Government Code Section 11346.5,  
Subdivision (a)(18))

If the Department makes changes to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts, amends, or repeals the proposed text. A request for a copy of any modified text should be addressed to the contact person designated below. The modified text will also be available on the Department's Web site. The Department will accept written comments on the modified text for at least 15 days after the date on which it is made available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

(Government Code Section 11346.5,  
Subdivision (a)(19))

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

**CONTACT PERSON**

(Government Code Section 11346.5,  
Subdivision (a)(14))

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

Daniel Warren  
Regulations Coordinator  
1515 K Street, Suite 200  
Sacramento, California 95814  
Telephone: (916) 322-3553  
e-mail: Dan.Warren@dbo.ca.gov

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

Colleen Monahan  
Senior Counsel  
1515 K Street, Suite 200  
Sacramento, California 95814  
Telephone: (916) 322-3553  
e-mail: Colleen.Monahan@dbo.ca.gov

**TITLE 13: DEPARTMENT OF MOTOR  
VEHICLES**

The Department of Motor Vehicles (department) proposes to adopt Section 29.01 in Article 2.1, Chapter 1, Division 1 of Title 13 of the California Code of Regulations, relating to Commercial Drivers Licenses.

**PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

**DEADLINE FOR WRITTEN COMMENTS**

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **DECEMBER 8, 2014**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

**AUTHORITY AND REFERENCE**

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section 15250 and Part 383 of Title 49, Code of Federal Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The Department of Motor Vehicles (department) proposes to adopt Section 29.01 in Article 2.1, Chapter 1, Division 1 of Title 13 of the California Code of Regulations, relating to Commercial Drivers Licenses.

Vehicle Code section 15250 allows the department to issue commercial driver licenses to applicants upon successful completion of specified written and driving tests. Knowledge and performance standards in the written and driving tests are designed to comply with provisions of the Federal Commercial Motor Vehicle Safety Act of 1986, as well as Part 383 of Title 49, Code of Federal Regulations (CFR).

In order to ensure safety guidelines are followed by commercial driver license holders, federal regulations provide a period of commercial license disqualification when a license holder is convicted of a serious driving offense. During the disqualification period, a commercial driver license holder is prohibited from operating a commercial vehicle.

Section 383.51(c) of Title 49, Code of Federal Regulations, provides a list of offenses that are determined to be serious in nature and provide disqualification periods for those offenses. To ensure clarity and consistency with federal regulations, the department has determined it necessary to identify offenses determined to be serious and document them in Title 13 of the California Code of Regulations.

**PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS**

In a recent audit conducted by the Federal Motor Carrier Safety Administration (FMCSA), California was found to be out of compliance due to its lack of regulations related to the disqualification of a commercial driver license. Specifically, there are no regulations to identify which Vehicle Code violations correspond to the federal violations that require a disqualification. When the department is not in compliance with federal requirements, it risks losing its authority to issue and renew commercial driver licenses and the state is in jeopardy of losing federal highway funds. Benefits to this action include the ability of the Department to bring California into compliance with the requirements of the FMCSA by providing a clear correlation between federal regulations and state statutes, ensuring California will continue to receive federal highway funds. Finally, the regulatory proposal will potentially benefit the environment, health, welfare, and safety of California residents by disqualifying commercial drivers convicted of serious traffic violations and to ensure the safety of the state's roadways and highways.

**COMPARABLE FEDERAL AND STATE REGULATIONS**

This proposed action will bring California into compliance with the requirements of the FMCSA by providing a clear correlation between federal regulations and state statutes.

**CONSISTENCY AND COMPATIBILITY WITH OTHER STATE REGULATIONS**

The department has conducted an evaluation for any regulations on this area and has concluded that these are the only regulations dealing with disqualification of commercial drivers. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**ECONOMIC AND FISCAL IMPACT DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None. This action has no costs or savings; however, compliance with federal requirements will ensure the department continues to receive federal highway funds.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. These regulations will bring California into compliance with federal regulations which may affect small businesses who hire commercial drivers.
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: This proposed action may affect small business.
- Potential Significant Statewide Adverse Economic Impact: The proposed regulatory action

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

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Government Code section 11346.3(b):

- 1) The creation or elimination of jobs within the State of California.
  - The proposed regulation will neither create nor eliminate jobs within the State of California. It will only impact commercial drivers who are convicted of a second or third serious traffic violation and any business that employs a commercial driver under these established provisions could be impacted by the loss of a driver.
- 2) The creation of new businesses or the elimination of existing businesses within the State of California.
  - The proposed regulation will neither create new businesses nor eliminate existing businesses within the State of California. This proposal brings the State of California into compliance with the requirements of the federal regulations.
- 3) The expansion of businesses currently doing business within the State of California.
  - This proposed regulation will not expand businesses currently doing business within the State of California; it simply provides a clear correlation between federal regulations and state statutes.
- 4) Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety and the State's Environment.
  - This regulatory action has no impact on the worker safety or the state's environment; however, there will be potential benefits to the health and safety and welfare of California residents by disqualifying commercial drivers with serious violations from operating commercial vehicles on the state's roadways.

### PUBLIC DISCUSSIONS OF PROPOSED REGULATION

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

### ALTERNATIVES CONSIDERED

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

### CONTACT PERSON

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

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8590  
Facsimile: (916) 657-6243  
E-Mail: LADRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff  
Telephone: (916) 657-6469

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

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express

Terms of the proposed regulatory action using underline or italics to indicate additions to, and strike-out to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the revised handbook and Express Terms) may be accessed at [www.dmv.ca.gov/portal/dmv/dmv/dmvhomes/regulatoryactions](http://www.dmv.ca.gov/portal/dmv/dmv/dmvhomes/regulatoryactions).

**AVAILABILITY OF MODIFIED TEXT**

Following the written comment period and the hearing, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

**TITLE 15. BOARD OF PAROLE HEARINGS**

**TITLE 15. CRIME PREVENTION AND CORRECTIONS  
DIVISION 2. BOARD OF PAROLE HEARINGS  
CHAPTER 3. PAROLE RELEASE  
ARTICLE 4. PAROLE CONSIDERATION  
PROCEDURES FOR LIFE PRISONERS AND NONLIFE 1168 PRISONERS**

**Amendment of Section 2275  
Penal Code Section 3000.1 Proceedings**

**NOTICE IS HEREBY GIVEN** that the Executive Officer of the Board of Parole Hearings (Board), pursuant to the authority granted by Government Code section 12838.4 and Penal Code sections 3052 and 5076.2, authorizes the Board to adopt the proposed Amended Section 2275 of the California Code of Regulations

(CCR), Title 15, Division 2, concerning Penal Code Section 3000.1 Proceedings.

**AUTHORITY AND REFERENCE**

Government Code section 12838.4 vests the Board with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms and Narcotic Addict Evaluation Authority, which no longer exist.

Penal Code section 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code section 5076.2 requires the Board promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

Penal Code section 3000(b)(4) requires that when a specified parolee is adjudicated and found to have violated a condition of parole or violated a law, the Board shall conduct a hearing to consider the parolee's release to parole.

Penal Code section 3000.08(h) requires that when a parolee specified in Penal Code sections 3000(b)(4) or 3000.1 is adjudicated and found to have violated a condition of parole or violated a law, the parolee shall be remanded to the jurisdiction of the Board.

Penal Code section 3000.1 also requires that when a specified parolee is adjudicated and found to have violated a condition of parole or violated a law, the Board shall conduct a hearing to consider the parolee's release to parole.

**PUBLIC COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON OCTOBER 24, 2014, AND WILL CLOSE AT 5:00 P.M. ON DECEMBER 8, 2014.** For comments to be considered by the Board, they must be submitted in writing to the Board's Contact Person identified in this Notice no later than the close of the comment period.

**CONTACT PERSON**

Please direct requests for copies of the Initial Statement of Reasons, the Proposed Text of the Regulation, or other information upon which the rulemaking is based to:

Heather L. McCray, Senior Staff Attorney  
Board of Parole Hearings  
P.O. Box 4036  
Sacramento, CA 95812-4036  
Telephone: (916) 650-6409  
Facsimile: (916) 322-3475  
E-mail: Heather.McCray@cdcr.ca.gov

If Heather McCray is unavailable, please contact Chief Counsel, Howard Moseley at Howard.Moseley@cdcr.ca.gov. In any such inquiries, please identify the action by using the Board's regulation control number **RN 14-02**.

#### NO PUBLIC HEARING SCHEDULED

The Board has not scheduled a public hearing on this proposed regulatory action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Written or facsimile comments submitted during the prescribed comment period have the same significance and influence as oral comments presented at a public hearing.

If one were to be scheduled, the purpose of a public hearing would be to receive oral comments about the proposed regulations. It would not be a forum to debate the proposed regulations, and no decision regarding the permanent adoption of the proposed regulations would be rendered at a public hearing. The members of the Board would not be present at a public hearing.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to amend California Code of Regulations, Title 15, Section 2275, which governs California Penal Code section 3000.1 proceedings. This action is necessary to implement, interpret, and comply with the Chelsea King Child Predator Prevention Act of 2010 (Assembly Bill 1844 (approved by Governor, September 9, 2010 (2009-2010 Reg. Sess.))) (hereafter Chelsea's Law). This action is also necessary to implement, interpret and comply with reforms to California's parole system, legislation collectively referred to as "Criminal Justice Realignment" (Assembly Bill 109 (approved by Governor, April 4, 2011 (2011-2012 Reg. Sess.)), as modified by Assembly Bill 117 (approved by Governor, June 30, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 116 (approved by Governor, July 27, 2011 (2011-2012 Reg. Sess.)), Assembly Bill 17X (approved by Governor, September 20, 2011 (2011-2012 1st Ex. Sess.)), and Senate Bill 1023 (ap-

proved by Governor, June 27, 2012 (2011-2012 Reg. Sess.))).

As a result of the above changes effected by Chelsea's Law and Criminal Justice Realignment, California Code of Regulations, Title 15, Section 2275, the Board's regulation for the implementation of Penal Code section 3000.1 proceedings, now conflicts with statutory law. Specifically, current laws for parole consideration hearings describe the process through which a panel consisting of a Board commissioner and deputy commissioner provide a hearing to consider the release of an inmate whose parole, for first-degree or second-degree murder only, had been revoked. Under Criminal Justice Realignment, Penal Code section 3000.08 removed the Board's authority to conduct parole revocation proceedings and Chelsea's law expanded the category of inmates subject to Board proceedings upon adjudication of a new crime or violation of a condition of parole. Moreover, Penal Code sections 3000(b)(4)(C) and 3000.1(d) provide different standards and procedures for hearings depending upon whether the Board of Parole Hearings is conducting an initial Penal Code 3000.1 proceeding following a court's determination of a parole violation or new crime, or an annual parole consideration hearing after the offender was returned to prison. Section 2275 must be updated to clarify these issues and reflect the Board's implementation of these changes.

These proposed regulations will clarify the Board's new role in Penal Code section 3000.1 proceedings, the composition of a hearing panel, and the three statutory categories of crimes for which an offender on parole could be subject to "Penal Code section 3000.1 proceedings." The proposed regulations also clarify the requirement for a lawful determination that the parolee violated a law or condition of parole before the matter is remanded to the Board for an initial Penal Code section 3000.1 hearing, and clarify that such a determination will be considered an interruption in parole for purposes of parole discharge. Additionally, the proposed regulations describe scheduling timelines for Penal Code section 3000.1 initial and annual hearings and clarify notice to stakeholders, parolee's rights, and the application of decision review and Governor's review to those hearings.

#### ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These proposed regulations will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

DETERMINATION OF  
INCONSISTENCY/INCOMPATIBILITY WITH  
EXISTING STATE REGULATIONS

The Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern the Board's role and requirements in conducting Penal Code 3000.1 proceedings.

DISCLOSURES REGARDING  
THE PROPOSED ACTION

**Local Mandates:** The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

**Fiscal Impact Statement:** The Board has made the following initial determinations:

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: **None.**
- Cost or savings to any state agency: **None.**
- Other non-discretionary cost or savings imposed on local agencies: **None.**
- Cost or savings in federal funding to the state: **None.**

**Significant Statewide Adverse Economic Impact on Business:** The Board has determined that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

**Assessment of Effects on Job and/or Business Creation, Elimination or Expansion:** The Board has determined that adoption of this regulation will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing business within California; or (3) affect the expansion of businesses currently doing business within California.

**Effect on Housing Costs:** The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

**Small Business Determination:** The Board has determined that the proposed regulation does not have a significant adverse economic impact on small business because small businesses are not affected by the internal management of State prisons.

RESULTS OF THE ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT

The Board concludes that it is (1) unlikely that the proposed regulations will create or eliminate any jobs in California, (2) unlikely that the proposed regulations will create any new business or eliminate any existing businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

**Anticipated Benefits to the health and welfare of California residents, worker safety, and the state's environment:** As further explained in the Economic Impact Analysis, contained within the Initial Statement of Reasons, these proposed regulations will promote both inmate rehabilitation and better protection of public safety. Additionally, the regulations increase protections to both victims and inmates.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT

The Board will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1515 K Street, Suite 600, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law's Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulation), the Proposed Text of the Regulation and Initial Statement of Reasons. Copies of these documents may be obtained by contacting the Board's Contact Person at the address or phone number listed above or by visiting the Board's website at: [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html).

AVAILABILITY OF CHANGES  
TO PROPOSED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board

makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulation text to the attention of the Contact Person identified in this Notice or by visiting the Board's website at [http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html). If the Board makes modifications, the Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained from the Board's Contact Person identified in this Notice or by visiting the Board's website at:

[http://www.cdcr.ca.gov/BOPH/reg\\_revisions.html](http://www.cdcr.ca.gov/BOPH/reg_revisions.html).

**TITLE 18. BOARD OF EQUALIZATION**

**The State Board of Equalization Proposes to Adopt California Code of Regulations, Title 18, Section 474, Petroleum Refining Properties**

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606, proposes to re-adopt California Code of Regulations, title 18, section (Rule) 474, *Petroleum Refining Properties*. Proposed Rule 474 implements, interprets, and makes specific section 1 of article XIII and section 2 of article XIII A of the California Constitution and Revenue and Taxation Code (RTC) sections 51 and 110.1, as interpreted by the California Supreme Court in *Western States Petroleum Association v. Board of Equalization* (2013) 57 Cal.4th 401 (hereafter *WSPA v. BOE*), by defining the terms "petroleum refinery property" and "appraisal unit," and establishing a rebuttable presumption that the land, improvements, and fixtures and other machinery and equipment classified as improvements for a petroleum refining property constitute a single appraisal unit, except when measuring declines in value caused by disaster.

**PUBLIC HEARING**

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on December

17-18, 2014. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov) at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on December 17 or 18, 2014. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the re-adoption of proposed Rule 474.

**AUTHORITY**

Government Code section 1560.6

**REFERENCE**

Section 1 of article XIII and section 2 of article XIII A of the California Constitution, RTC sections 51 and 110.1, and *WSPA v. BOE*.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE SECTION 11346.5, SUBDIVISION (a)(3)**

Summary of Existing Laws and Regulations

*Initial Adoption of Rule 474*

The Board previously adopted Rule 474. In *WSPA v. BOE*, the California Supreme Court provided the following summary of the applicable property tax laws as they existed prior to the Board's initial adoption of Rule 474 and the effect of the initial adoption of Rule 474:

Article XIII, section 1 of the California Constitution declares that [a]ll property is taxable and shall be assessed at the same percentage of fair market value." (Cal. Const., art. XIII, § 1, subd. (a).) Proposition 13, an initiative measure enacted in June 1978, added article XIII A to the California Constitution and changed the taxation of real property by replacing "the fair market valuation standard with that of acquisition value." (*Roy E. Hanson, Jr. Mfg. v. County of Los Angeles* (1980) 27 Cal.3d 870, 873 [167 Cal. Rptr. 828, 616 P.2d 810].) Article XIII A, section 2 provides that all real property, except for property acquired prior to 1975, shall be assessed and taxed at its value on the date of acquisition, subject to a 2 percent maximum annual inflationary increase. (*Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 235 [149 Cal. Rptr. 239, 583 P.2d 1281].) This is sometimes referred to as the indexed or adjusted base year

value. (See Bd. of Equalization, Assessors' Handbook, Section 501, Basic Appraisal (2002 rev.) appen. A, Assessment Pre- and Post-Proposition 13, p. 137.)

Proposition 13 did not address how real property should be assessed and taxed when its market value declines instead of appreciates. To address this issue, California voters passed Proposition 8 in November 1978. Proposition 8 amended article XIII A so that it now reads: "The full cash value base may reflect from year to year the inflationary rate not to exceed 2 percent for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction, or may be reduced to reflect substantial damage, destruction, or other factors causing a decline in value." (Cal. Const., art. XIII A, § 2, subd. (b).) In other words, when the value of real property declines to a level below its adjusted base year value under Proposition 13, the value of the property is determined according to its actual fair market value.

The Legislature formed a task force to study the implementation of the new real property tax system mandated by Proposition 13 and Proposition 8. In January 1979, the task force submitted a report and recommendations to the Assembly Committee on Revenue and Taxation, officially titled Report of the Task Force on Property Tax Administration (hereafter Task Force Report). (See *Pacific Southwest Realty Co. v. County of Los Angeles* (1991) 1 Cal.4th 155, 161 [2 Cal. Rptr. 2d 536, 820 P.2d 1046].) The Task Force Report has been recognized as a statement of legislative intent for purposes of interpreting the statutes enacted to implement Proposition 13 and Proposition 8. (See, e.g., *Auerbach v. Assessment Appeals Bd. No. 1* (2006) 39 Cal.4th 153, 161 [45 Cal. Rptr. 3d 774, 137 P.3d 951].)

The report recommended that "the assessed value of real property be the lesser of the Prop. 13 base value compounded annually by 2% or full cash value. These changes will be measured by that appraisal unit which is commonly bought and sold in the market, or which is normally valued separately." (Task Force Rep., *supra*, at p. 29.) Revenue and Taxation Code section 51 was subsequently amended to incorporate the task force recommendations. (All further statutory references are to the Revenue and Taxation Code unless otherwise specified.) Section 51, subdivision (a) (hereafter section 51(a)) provides that "the taxable value of real property shall . . . be the lesser of: [¶] (1) Its base year value,

compounded annually since the base year by an inflation factor . . ." not to exceed 2 percent per year, or "(2) Its full cash value, as defined in Section 110, as of the lien date, taking into account reductions in value due to damage, destruction, depreciation, obsolescence, removal of property, or other factors causing a decline in value." Section 110, subdivision (a) defines the term "full cash value," synonymously with the term "fair market value," as "the amount of cash or its equivalent that property would bring if exposed for sale in the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other, and both the buyer and the seller have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used, and of the enforceable restrictions upon those uses and purposes."

Most significantly for this case, the term "real property" under section 51, subdivision (d) (hereafter section 51(d)) is defined as "that appraisal unit that persons in the marketplace commonly buy and sell as a unit, or that is normally valued separately." This definition echoes almost verbatim the definition recommended by the Task Force Report. The statute does not further define "appraisal unit," but the term is defined by regulation as "a collection of assets that functions together, and that persons in the marketplace commonly buy and sell as a single unit or that is normally valued in the marketplace separately from other property . . ." (Cal. Code Regs., tit. 18, § 324.)

In the wake of Proposition 13 and Proposition 8, and shortly before the enactment of section 51, the Board promulgated and then amended rule 461, a regulation applicable to most real property used for manufacturing. (Cal. Code Regs., tit. 18, § 461 (Rule 461).) Rule 461, subdivision (e) (hereafter Rule 461(e)) provides: "Declines in value will be determined by comparing the current lien date full value of the appraisal unit to the indexed base year full value of the same unit for the current lien date. Land and improvements constitute an appraisal unit except when measuring declines in value caused by disaster, in which case land shall constitute a separate unit. For purposes of this subdivision, fixtures and other machinery and equipment classified as improvements constitute a separate appraisal unit."

At the same time that it adopted Rule 461(e)'s classification of fixtures as "a separate appraisal unit," the Board adopted two exceptions to this

rule for certain types of industrial property where land and fixtures were valued as a single unit in the marketplace: Rule 468, which applies to oil and gas properties, and Rule 469, which applies to mining properties. (See Cal. Code Regs., tit. 18, §§ 468, subd. (c)(6) (Rule 468), 469, subd. (e)(2)(C) (Rule 469).) Rule 473, adopted in 1995, similarly treats land and fixtures on geothermal properties as a single appraisal unit. (Cal. Code Regs., tit. 18, § 473(e)(4)(C) (Rule 473).) Petroleum refinery property was covered by Rule 461(e) until the Board’s adoption of Rule 474.

In September 2006, the Board voted three to two to adopt Rule 474 to address “the valuation of the real property, personal property, and fixtures used for the refining of petroleum.” (Rule 474, subd. (a).) Subdivision (b)(1) of Rule 474 states that “[t]he unique nature of property used for the refining of petroleum requires the application of specialized appraisal techniques designed to satisfy the requirements of article XIII, section 1, and article XIII A, section 2, of the California Constitution. To this end, petroleum refineries and other real and personal property associated therewith shall be valued pursuant to the principles and procedures set forth in this section.” Rule 474, subdivision (c)(2) states that “[a]ppraisal unit’ consists of the real and personal property that persons in the marketplace commonly buy and sell as a unit.” Most pertinent here, subdivision (d) states that “[f]or the purposes of this section: [¶] (1) Declines in value of petroleum refining properties will be determined by comparing the current lien date full value of the appraisal unit [(i.e., its value in an open market transaction)] to the indexed base year full value of the same unit [(i.e., its Proposition 13 value)]. [¶] (2) *The land, improvements, and fixtures and other machinery and equipment classified as improvements for a petroleum refining property are rebuttably presumed to constitute a single appraisal unit . . .* [¶] (3) In rebutting this presumption, the assessor may consider evidence that: [¶] (A) The land and improvements including fixtures and other machinery and equipment classified as improvements are not under common ownership or control and do not typically transfer in the marketplace as one economic unit; or, [¶] (B) When the fixtures and other machinery and equipment classified as improvements are not functionally and physically integrated with the realty and do not operate together as one economic unit.” (Rule 474, subd. (d); italics added [in original opinion].)

[¶] . . . [¶]

In November 2007, the Office of Administrative Law approved the regulation, and it became effective in December 2007. (*WSPA v. BOE*, pp. 409–413.)

*History Regarding WSPA v. BOE*

In *WSPA v. BOE*, the California Supreme Court also explained that in December 2008, the Western States Petroleum Association (WSPA) filed a complaint challenging the validity of Rule 474 and seeking a declaration that the Board violated the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) in adopting the rule. (*WSPA v. BOE*, pp. 413–414.) And, “[i]n October 2009, the Board and WSPA filed cross-motions for summary judgment. WSPA argued that Rule 474 violates section 51(d) and California Constitution, article XIII A, and that the Board failed to provide an adequate statement of economic impact as required by the APA. The trial court granted WSPA’s summary judgment motion on both grounds, and the Court of Appeal affirmed on both grounds” before the California Supreme Court granted review. (*WSPA v. BOE*, p. 414.)

As explained in more detail in the initial statement of reasons, the California Supreme Court disagreed with all of WSPA’s arguments as to why Rule 474 violates RTC section 51, subdivision (d) (hereafter section 51(d)), and California Constitution, article XIII A. The Court specifically concluded that “Rule 474’s market-based approach to determining the proper appraisal unit for petroleum refinery property ensures that reductions in property values are measured according to fair market value. Thus, Rule 474 appears consistent with articles XIII and XIII A.” (*WSPA v. BOE*, pp. 416–417.) Furthermore, the California Supreme Court specifically concluded that “Rule 474 is also consistent with section 51(d).” (*WSPA v. BOE*, p. 417.) The Court said that “[b]y its terms, the statute provides two alternative methods of determining the appraisal unit that constitutes taxable real property: it is either (1) a unit ‘that persons in the marketplace commonly buy and sell as a unit’ or (2) a unit ‘that is normally valued separately.’ Rule 474 applies the first method to petroleum refinery property.” (*WSPA v. BOE*, p. 417.)

Although the California Supreme Court held that Rule 474 was substantively valid in *WSPA v. BOE*, the Court still concluded that the Board’s adoption of Rule 474 was procedurally invalid under the APA. (*WSPA v. BOE*, pp. 408–409.) The Court held that the Board did not properly assess the economic impact of Rule 474 and that the Board’s initial determination that Rule 474 would not have a significant adverse economic impact on businesses did not substantially comply with the

APA (Gov. Code, §§ 11346.2, subd. (b)(5)(A), 11346.3, 11346.5, subd. (a)(8)) because:

- “The Board relied on a 2006 document titled ‘Revenue Estimate’ concerning proposed Rule 474. According to the document, which was prepared by Board staff, WSPA reported that there are 20 major refineries located in California, with five in Los Angeles County and four in Contra Costa County. (Bd. of Equalization, Revenue Estimate, Issue No. 6–001 (June 7, 2006) p. 2.) County data indicated that the total assessment in these two counties was over \$14 billion, with about 80 percent of that value enrolled as fixtures. Projecting figures statewide, the Board staff estimated that there was \$32 billion of refinery property, of which \$25 billion consisted of fixtures and \$7 billion in land and nonfixture improvements. To ‘conservatively estimate’ the incremental amount of taxable assessed value resulting from the proposed rule, the Board staff multiplied the \$7 billion in land value by a 2 percent appreciation factor to conclude that Rule 474 would yield ‘at least \$140 million’ in additional assessed value. (Revenue Estimate, at p. 3.) The Board staff then multiplied \$140 million by the 1 percent tax on real property permitted under article XIII A to arrive at \$1.4 million as the annual estimated revenue effect of Rule 474, while acknowledging that ‘[t]he actual revenue effect could be considerably higher or lower depending on the number of properties [affected] and the actual amount of offsetting values.’ (Revenue Estimate, at p. 3.) Based on these calculations, the Board concluded that Rule 474 ‘will not have a significant adverse economic impact on businesses.’” (*WSPA v. BOE*, pp. 429–430.);
- The Court concluded that “[e]ven assuming the Board could reasonably project \$32 billion as the total value of 20 refineries statewide based on data showing \$14 billion as the total value of nine refineries in two counties, the Board’s analysis offers no explanation why multiplying \$7 billion in land value by a 2 percent appreciation factor is, empirically or conceptually, a valid or reasonable way to estimate the amount of fixture depreciation that would be offset by appraising land and fixtures as a single unit.” (*WSPA v. BOE*, p. 430.); and
- “[T]he Board’s calculation failed to consider prior land appreciation and the full tax impact that would occur if land were valued at actual market value rather than adjusted base year value.” (*Ibid.*)

Effect, Objective, and Benefit of the Proposed Re-Adoption of Rule 474

During the Board’s September 10, 2013, meeting, the Board considered a Chief Counsel Memorandum dated August 28, 2013. In the Chief Counsel Memorandum, Board staff explained that the Board adopted Rule 474 on September 27, 2006, to clarify that, consistent with California Constitution article XIII, section 1, article XIII A (which contains Proposition 13 as amended by Proposition 8), RTC section 51, and Rules 461, *Real Property Value Changes*, and 324, *Decision*, refinery property consisting of land, improvements, and fixtures is rebuttably presumed to be a single appraisal unit in determining Proposition 8 declines in value below the Proposition 13 adjusted base year value for property tax valuation purposes. In the Chief Counsel Memorandum, Board staff also explained that the California Supreme Court held that Rule 474 was substantively valid in *WSPA v. BOE*. However, nevertheless, the Court also invalidated Rule 474 on procedural grounds, finding that the Board failed to provide an adequate assessment of the rule’s economic impact during the rulemaking process as required by the APA. In particular, the Supreme Court held that Rule 474 is procedurally deficient because the Board did not make a reasoned estimate of all the cost impacts of the rule on affected parties. Therefore, in the memorandum, Board staff requested the Board’s authorization to repeal Rule 474 pursuant to California Code of Regulations, title 1, section 100 (Rule 100). Board staff also requested the Board’s authorization to initiate the rulemaking process to re-adopt Rule 474 following the APA’s regular notice and public hearing process after Board staff reassessed the economic impact of Rule 474 on affected businesses in accordance with the APA and *WSPA v. BOE*.

Therefore, at the conclusion of the Board’s discussion of the Chief Counsel Memorandum dated August 28, 2013, during its meeting on September 10, 2013, the Board Members unanimously voted to authorize staff to repeal Rule 474 pursuant to Rule 100, and initiate the rulemaking process to re-adopt Rule 474 after Board staff reassessed the economic impact of Rule 474 in accordance with the APA and *WSPA v. BOE*. The Board determined that it is reasonably necessary to re-adopt Rule 474 to have the effect and accomplish the objective of clarifying that petroleum refinery land, improvements, and fixtures are rebuttably presumed to constitute a single appraisal unit for determining declines in value because petroleum refineries are commonly bought and sold as a unit in the marketplace. The Board anticipates that the re-adoption of Rule 474 will clarify the treatment of petroleum refinery property for pur-

poses of measuring declines in value, and thereby benefit county assessors and the owners of petroleum refineries by promoting fairness and uniformity in the assessment of petroleum refinery property throughout the state.

The Board subsequently repealed Rule 474 pursuant to Rule 100, effective October 30, 2013. However, regardless of the repeal of Rule 474, county assessors are still authorized to determine that refinery property (land, improvements, and fixtures) constitutes a single appraisal unit for measuring declines in value when persons in the marketplace commonly buy and sell refinery property as a unit, in accordance with RTC section 51(d) as interpreted by the California Supreme Court in *WSPA v. BOE* (discussed above).

In addition, Board staff has reassessed the economic impact of Rule 474 in accordance with the APA and *WSPA v. BOE*. Staff's economic impact assessment is included in the initial statement of reasons, and the results of staff's assessment are provided below.

The Board has performed an evaluation of whether Rule 474 is inconsistent or incompatible with existing state regulations and determined that the proposed rule is not inconsistent or incompatible with existing state regulations. This is because proposed Rule 474 is the only state regulation that specifically prescribes the appraisal unit for determining declines in value of petroleum refining properties. The Board has also determined that there are no comparable federal regulations or statutes to proposed Rule 474.

**NO MANDATE ON LOCAL AGENCIES  
OR SCHOOL DISTRICTS**

The Board has determined that the re-adoption of Rule 474 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement pursuant to title 2, division 4, part 7 (commencing with section 17500) of the Government Code.

**NO COST OR SAVINGS TO  
ANY STATE AGENCY, LOCAL AGENCY,  
OR SCHOOL DISTRICT**

The Board has determined that the re-adoption of proposed Rule 474 will result in no direct or indirect cost or savings to any state agency and will result in no cost or savings in federal funding to the State of California. The Board has also determined that the re-adoption of proposed Rule 474 will result in no direct or indirect cost to any local agency or school district that is required to be reimbursed under title 2, division 4, part 7 (commencing with section 17500) of the Government

Code, and will result in no other non-discretionary cost or savings imposed on local agencies.

**NO SIGNIFICANT STATEWIDE  
ADVERSE ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS**

The Board has made an initial determination that the re-adoption of proposed Rule 474 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed re-adoption of Rule 474 may affect small businesses.

**NO KNOWN COST IMPACTS TO PRIVATE  
PERSONS OR BUSINESSES**

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

**RESULTS OF THE ECONOMIC IMPACT  
ASSESSMENT REQUIRED BY GOVERNMENT  
CODE SECTION 11346.3, SUBDIVISION (b)**

The Board has determined that the proposed re-adoption of Rule 474 is not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the re-adoption of proposed Rule 474 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the re-adoption of proposed Rule 474 will not affect the benefits of Rule 474 to the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT  
ON HOUSING COSTS**

The re-adoption of proposed Rule 474 will not have a significant effect on housing costs.

**STATEMENT REGARDING ALTERNATIVES**

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective

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

#### CONTACT PERSONS

Questions regarding the substance of proposed Rule 474 should be directed to Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at [Bradley.Heller@boe.ca.gov](mailto:Bradley.Heller@boe.ca.gov), or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at [Richard.Bennion@boe.ca.gov](mailto:Richard.Bennion@boe.ca.gov), or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

#### WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on December 17, 2014, or as soon thereafter as the Board begins the public hearing regarding the re-adoption of proposed Rule 474 during the December 17-18, 2014, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, or contentions contained in those written comments before the Board decides whether to re-adopt proposed Rule 474. The Board will only consider written comments received by that time.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a copy of the text of proposed Rule 474 illustrating its express terms; however, the

proposed regulation is not illustrated in underline or italics format because California Code of Regulations, title 1, section 8, subdivision (b) provides that "[u]nderline or italic is not required for the adoption of a new regulation or set of regulations if the final text otherwise clearly indicates that all of the final text submitted to OAL for filing is added to the California Code of Regulations." The Board has also prepared an initial statement of reasons for the adoption of the proposed rule, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed regulation is based are available to the public upon request.

The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation and the initial statement of reasons are also available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

#### SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may re-adopt proposed Rule 474 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board re-adopts proposed Rule 474, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

**GENERAL PUBLIC INTEREST**

**AIR RESOURCES BOARD**

**ERRATA**

By notice dated August 19, 2014 and published in the September 5, 2014, California Regulatory Notice Register (Register Number 36-Z), the Air Resources Board (Board or ARB) provided Notice of Public Hearing to Consider 2014 Amendments to the Zero Emission Vehicle Regulation.

**PLEASE BE ADVISED** that a limited portion of the strikeout and underline language in Appendix A to the Staff Report for this rulemaking<sup>1</sup> incorrectly included text from an earlier version of the Zero Emission Vehicle (ZEV) regulation.<sup>2</sup> This error was limited to the portion of Appendix A concerning the optional compliance path for Section 177 states (i.e. Cal. Code Regs., tit. 13, § 1962.2, subd. (d)(5)(E)). The substance of the currently proposed 2014 Amendments to the ZEV regulation were not affected by the mistakenly included text.

This errata document replaces Appendix A's outdated regulatory text for section 1962.2, subdivision (d)(5)(E) with the correct regulatory text annotated with the same strikeout and underline changes. The corrected version of Appendix A is attached as "Appendix A (Corrected 10/13/14)". Please note that this error was limited to Appendix A of the Staff Report; the Staff Report's Appendix C used the correct text.

For clarity, the minor differences between the originally noticed Appendix A text and "Appendix A (Corrected 10/13/14)" text regarding section 1962.2, subdivision (d)(5)(E) are described below.

**Changes to Appendix A of the Staff Report**

Section 1962.2, subdivision (d)(5)(E)1. on page A-6 of Appendix A:

- The numeral "1.," as it identifies the subdivision, is underlined to indicate that it is new.

Subdivisions (d)(5)(E)2.c.i. and (d)(5)(E)2.c.ii. on pages A-8 and A-9 of Appendix A:

- The word "specified" appears three times. The word "specified" is replaced with the phrase "2012 and subsequent."

- The parenthetical phrase "2019 model year" appears three times. The phrase "2019 model year" is replaced with the phrase "2012 through 2019 model year."
- The strikeout and underline subdivision reference "1962.2(d)(5)(E)2.~~a~~c" appears three times. The subdivision reference is replaced to reflect the proper strikeout and underline: "1962.2(d)(5)(E)1.~~a~~2.c."

Subdivision (d)(5)(E)2.d.ii. on page A-9 of Appendix A:

- The strikeout comma and space in front of the phrase "credit earned" is removed because the correct regulatory language did not have the extra comma and space.

Subdivision (d)(5)(E)2.e. on page A-10 of Appendix A:

- The subdivision reference "1962.2(d)(5)(E)2.~~bd~~bd." is corrected to read "1962.1(d)(5)(E)2.~~bd~~bd."

Subdivision (d)(5)(E)2.f. on page A-10 of Appendix A:

- The subdivision references "1962.2(d)(5)(E)2.~~ab~~ab." and "1962.2(d)(5)(E)1.~~a~~2.ab." are corrected to read "1962.2(d)(5)(E)1.~~a~~2.c."

- The phrase "Any\_future" is replaced with "Any future."

Subdivision (d)(5)(E)2.g. on page A-10 of Appendix A:

- The subdivision reference "1962.2(d)(5)(E)2.~~gf~~ge." is corrected to read "1962.2(d)(5)(E)2.~~ge~~ge."

The changes that have been identified in this errata document will also be included in a document titled Staff's Suggested Modifications to the Original Proposal, to be made available at the October 23, 2014, Board hearing. The changes will be made available for a 15-day public comment period subsequent to the Board hearing in a Notice of Public Availability of Modified Text. The balance of the Staff Report and appendices remains the same as released on September 2, 2014. The complete text of the original notice, the Initial Statement of Reasons, and this errata document are available on the ARB website at <http://www.arb.ca.gov/regact/2014/zev2014/zev2014.htm>.

Any questions regarding these corrections should be directed to Mr. Mark Williams, Air Pollution Specialist at (916) 327-5610 or Amy Whiting, Regulations Coordinator at (916) 322-6533.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech-to-Speech users may dial 711 for the California Relay Service.

<sup>1</sup> Staff Report: Initial Statement of Reasons for the Proposed 2014 Amendments to the Zero Emission Vehicle Regulation, dated September 2, 2014.

<sup>2</sup> Specifically, the version that became effective on August 7, 2012.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

**Attachment to 10/13/14 Errata**

**Appendix A (Corrected 10/13/14)**

**PROPOSED REGULATION ORDER**

**Amendments to the Zero Emission Vehicle Regulation sections 1962.1 and 1962.2, title 13, California Code of Regulations**

Amend title 13, California Code of Regulations, sections 1962.1 and 1962.2, to read as follows:

NOTE: Set forth below are the proposed amendments to the California zero emission vehicle (ZEV) regulation. The amendments to existing sections proposed and subject to comment in this rulemaking are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Subsections for which no changes are proposed in this rulemaking are indicated with “\*\*\*\*\*”.

**§ 1962.1 Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.**

\*\*\*\*\*

(d) *Qualification for ZEV Multipliers and Credits.*

\*\*\*\*\*

(5) *Credits for 2009 through 2017 Model Year ZEVs.*

\*\*\*\*\*

(B) **Fast Refueling.** For purposes of subdivision 1962.1(d)(5)(A), a Model Year 2009 through 2017 ZEV, inclusive, shall be deemed a Type III, Type IV or Type V ZEV if it has the capability to accumulate at least 95 miles of UDDS range in 10 minutes or less, at least 190 miles of UDDS range in 15 minutes or less, or 285 miles of UDDS range in 15 minutes or less, respectively. For ZEVs that utilize more than one ZEV fuel, such as plug-in fuel cell vehicles, the Executive Officer may choose to waive these subdivision 1962.1(d)(5)(B) fast refueling requirements and base the amount of credit earned on UDDS ZEV range, as specified in subdivision 1962.1(d)(5)(A).

For Model Years 2009 through 2014, inclusive, “capability to accumulate” means the ZEV’s refueling system has been demonstrated to the satisfaction of ARB’s Executive Officer as having the potential, with appropriate infrastructure or other equipment, to accumulate the miles required under this subdivision within the given time period for the claimed ZEV type. For Model Years 2015 through 2017, inclusive, “capability to accumulate” means the ZEV’s refueling system has been demonstrated to the satisfaction of ARB’s Executive Officer as actually accumulating the miles required under this subdivision within the given time period the initial 12 month period following vehicle placement in California for the claimed ZEV type, based on actual fast refueling events. Examples of fast refueling events include any refueling of an electric vehicle that meets the time and mileage fueling criteria for a Type III, IV, or V ZEV, including the refueling of a hydrogen fuel cell vehicle or any swapping of the depleted battery pack in a battery electric vehicle with an equivalent or larger capacity, fully-charged battery pack. To receive fast refueling credits, manufacturers must apply to ARB with the information and documentation as specified below.

1. Issuance of Fast Refueling Credits for Model Year 2015, 2016, or 2017 Type III, IV, and V ZEVs.
  - a. To obtain fast refueling credits, the ZEV manufacturer must apply to ARB’s Executive Officer for such credits. No credits shall be granted without Executive Officer approval of the application. Each application shall be specific to Type III, IV, or V ZEV vehicles of a single Model Year. Each application shall contain the documentation specified in subdivision 1962.1(d)(5)(B)2. No later than 15 days before submittal of the first application in a calendar year, the applicant shall provide written notice to the Executive ~~officer~~**Officer** of its intent to conduct fast refueling for its Type III, IV, or V ZEVs in that calendar year.
  - b. Fast refueling capability shall be assigned to the number of Type III, IV, and V ZEVs of a given model year that have been fueled by an actual fast refueling event during the year initial 12 month period following vehicle placement in California.
    - i. The total number of a manufacturer’s Type III ZEVs assigned the fast refueling capability for a given model year, based on actual fast refueling events during the initial 12 month period following vehicle placement in California, shall not exceed the manufacturer’s total number of Type III ZEVs sold in California for that model year that are capable of fast refueling (i.e., the sum of those Type III ZEVs that were fueled with an

actual fast refueling event and those Type III ZEVs that are able to be fast refueled but were not actually fueled using any fast refueling).

ii. The provision in subdivision 1962.1(d)(5)(B)1.b.i. also applies to Type IV and V ZEVs in the same manner described for Type III ZEVs.

iii. Only the first 25 fast refueling events performed on any individual Type III, IV, or V ZEV, during the initial 12 month period following vehicle placement in California, shall count towards the total number of fast refueling events, respectively.

iv. The frequency at which fast refueling credits are issued shall be based on the frequency of records and documentation submitted to support a claim for fast refueling credits. For example, a manufacturer that submits records of fast refueling events on a monthly, quarterly, or yearly basis shall be issued fast refueling credits on the applicable monthly, quarterly, or yearly basis.

2. Documentation of Fast Refueling Events.
  - a. For each specific model-year ZEV type for which a manufacturer claims fast refueling credits, the manufacturer must submit documentation of the total number of fast refueling events used to refuel its Type III, IV, or V ZEVs in that model year during the initial 12 month period following vehicle placement in California.
  - b. To support a manufacturer's claimed number of fast refueling events, that manufacturer must provide documentation of each fast refueling event. For each claimed fast refueling event, the manufacturer shall document the date of the fast

refueling event, street address of the fast refueling facility used, and the vehicle identification number of the vehicle that was fast refueled. Fast refueling credit applicants shall retain this documentation for a minimum of three years from the date it was created and provide the documentation to ARB staff upon request within 3 business days.

3. The fast refueling application and data submission requirements in this subdivision do not apply to manufacturers of fuel cell electric vehicles because such vehicles are already designed to be fast refueled at all times.

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Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104 and 43105, Health and Safety Code. Reference: Sections 38562, 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43018.5, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204, 43205.5 and 43206, Health and Safety Code.

**§ 1962.2. Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.**

(b) *Percentage ZEV Requirements.*

(1) *General ZEV Credit Percentage Requirement.*

(A) **Basic Requirement.** The minimum ZEV credit percentage requirement for each manufacturer is listed in the table below as the percentage of the PCs and LDTs, produced by the manufacturer and delivered for sale in California that must be ZEVs, subject to the conditions in this subdivision 1962.2(b). The ZEV requirement will be based on the annual NMOG production report for the appropriate model year.

<i>Model Year</i>	<i>Credit Percentage Requirement</i>
2018	4.5%
2019	7.0%
2020	9.5%
2021	12.0%
2022	14.5%
2023	17.0%
2024	19.5%
2025 and subsequent	22.0%

<u>Model Year</u>	<u>Credit Percentage Requirement</u>	
	<u>LVM</u>	<u>IVM</u>
<u>2018</u>	<u>4.5%</u>	<u>2.9%</u>
<u>2019</u>	<u>7.0%</u>	<u>3.8%</u>
<u>2020</u>	<u>9.5%</u>	<u>4.7%</u>
<u>2021</u>	<u>12.0%</u>	<u>5.6%</u>
<u>2022</u>	<u>14.5%</u>	<u>6.5%</u>
<u>2023</u>	<u>17.0%</u>	<u>7.4%</u>
<u>2024</u>	<u>19.5%</u>	<u>8.3%</u>
<u>2025</u>	<u>22.0%</u>	<u>9.2%</u>
<u>2026 and subsequent</u>	<u>22.0%</u>	<u>22.0%</u>

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(7) *Changes in Small Volume and Intermediate Volume Manufacturer Status in 2018 and Subsequent Model Years.*

(A) ***Increases in California Production Volume.*** For 2018 and subsequent model years, if a small volume manufacturer's average California production volume exceeds 4,500 units of new PCs, LDTs, and MDVs based on the average number of vehicles produced and delivered for sale for the three previous consecutive model years (i.e., total production volume exceeds 13,500 vehicles in a three-year period), for three consecutive averages, the manufacturer shall no longer be treated as a small volume manufacturer, and must comply with the ZEV requirements for intermediate volume manufacturers beginning with the next model year after the last model year of the third consecutive average. For example, if (a small volume) Manufacturer A exceeds 4,500 PCs, LDTs, and MDVs for their 2018–2020, 2019–2021, and 2020–2022 model year averages, Manufacturer A would be subject to intermediate volume requirements starting in 2023 model year.

For 2018 and subsequent model years, if an intermediate volume manufacturer's average California production volume exceeds 20,000 units of new PCs, LDTs, and MDVs in a given model year based on the average number of vehicles produced and delivered for sale for in the three fiveprevious consecutive sets of three model yearsyear averages immediately prior to that model year (i.e., total production volume exceeds 60,000 vehicles in a each of five consecutive three-year periods), for three consecutive averages, the manufacturer shall no longer be treated as an intermediate volume manufacturer and shall comply with the ZEV requirements for large volume manufacturers beginning with the next model year after the last model year of the

thirdfifth consecutive average. For example, if (an intermediate volume) Manufacturer B exceeds 20,000 PCs, LDTs, and MDVs for its 2016–2018, 2017–2019, 2018–2020, 2019–2021, and 2020–2022 averages, Manufacturer B would be subject to large volume manufacturer requirements starting in the 2023 model year.

If, in the 2018, 2019, or 2020 fiscal years, an intermediate volume manufacturer would otherwise be subject to the requirements for a large volume manufacturer based on California production volume, and if the intermediate volume manufacturer's average annual global revenues for that fiscal year, based upon the immediately prior and consecutive three fiscal years, is no greater than 40 billion dollars, then that manufacturer will continue to be considered an intermediate volume manufacturer conditional upon the manufacturer submitting to the Executive Officer, in writing, a report that demonstrates the types and numbers of ZEVs and TZEVs the manufacturer will deliver to California subsequent to the 2020 fiscal year to meet the requirements specified in subdivision 1962.2(b)(1)(A).

Any new requirement described in the this subdivision will begin with the next model year after the last model year of the third or fifth consecutive average when a manufacturer ceases to be a small or intermediate volume manufacturer respectively in 2018 or subsequent years due to the aggregation requirements in majority ownership situations.

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(d) *Qualification for Credits from ZEVs.*

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(5) *Credits for 2018 and Subsequent Model Year ZEVs.*

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(E)

**1. Counting Specified ZEVs Placed in Service in a Section 177 State and in California.** Large volume manufacturers and intermediate volume manufacturers with credits earned from hydrogen fuel cell vehicles that are certified to the California ZEV standards applicable for the ZEV’s model year, delivered for sale and placed in service in California or in a Section 177 state, may be counted towards compliance in California and in all Section 177 states with the percentage ZEV requirements in subdivision 1962.2(b). The credits earned are multiplied by the ratio of a manufacturer’s applicable production volume for a model year, as specified in subdivision 1962.2(b)(1)(B), in the state receiving credit to the manufacturer’s applicable production volume as specified in subdivision 1962.2(b)(1)(B), for the same model year in California (hereafter, “proportional value”). Credits generated from ZEV placement in a Section 177 state will be earned at the proportional value in the Section 177 state, and earned in California at the full value specified in subdivision 1962.2(d)(5)(A).

**12. Optional Section 177 State Compliance Path.**

**a. Additional ZEV Requirements for Intermediate Volume Manufacturers.** Intermediate volume manufacturers that elect the optional Section 177 state compliance path must generate additional 2012 and subsequent model year ZEV credits, including no more than 50% Type 1.5x and Type IIx vehicle credits and excluding all NEV, Type 0 ZEV credits, and transportation system credits, in each Section 177 state to fulfill the following percentage requirements of their sales volume determined under subdivision 1962.2(b)(1)(B):

**Intermediate Volume Manufacturers**

<u>Model Years</u>	<u>Additional Section 177 State ZEV Requirements</u>
<u>Two model years prior to transition to LVM status</u>	<u>0.75%</u>
<u>One model year prior to transition to LVM status</u>	<u>1.50%</u>

Subdivision 1962.2(d)(5)(E)1. and subdivision 1962.1(d)(5)(E) shall not apply to any ZEV credits used to meet an intermediate volume manufacturer’s additional ZEV requirements for the appropriate model years as described in the table above under this subdivision 1962.2(d)(5)(E)2.a.

**b. ZEV and TZEZ Percentages for Intermediate Volume Manufacturers.** Intermediate volume manufacturers that have fully complied with the optional Section 177 state compliance path requirements in subdivision 1962.1(d)(5)(E)3 or intend to comply or have fully complied with requirements in subdivision 1962.2(d)(5)(E)2.a. are allowed to meet their total ZEV percentage requirements specified in 1962.2(b) in each section 177 state by utilizing subdivisions 1962.2(d)(5)(E)2.a.i and ii, below.

**i. Trading and Transferring ZEV and TZEZ Credits within West Region Pool and East Region Pool.** Intermediate volume manufacturers may trade or transfer 2012 and subsequent model year ZEV and TZEZ credits within the West Region pool to meet the requirements in subdivision 1962.2(d)(5)(E)2.b. and will incur no premium on their credit values. For example, for a manufacturer to make up a 2020 model year shortfall of 100 credits in State X, the manufacturer may transfer 100 (2018 through 2020 model year) ZEV credits from State Y, within the West Region pool. Intermediate volume manufacturers that have fully complied with the optional Section 177 state compliance path requirements in subdivision 1962.1(d)(5)(E)3. or intend to comply or have fully complied with

requirements in subdivision 1962.2(d)(5)(E)2.a. may trade or transfer 2018 and subsequent model year ZEV and TZEV credits within the East Region pool to meet the requirements in subdivision 1962.2(b), and will incur no premium on their credit values. For example, for a manufacturer to make up a 2020 model year shortfall of 100 credits in State W, the manufacturer may transfer 100 (2018 through 2020 model year) ZEV credits from State Z, within the East Region pool.

**ii. Trading and Transferring ZEV and TZEV Credits between the West Region Pool and East Region Pool.** Intermediate volume manufacturers may trade or transfer 2012 and subsequent model year ZEV and TZEV credits to meet the requirements in subdivision 1962.2(b), between the West Region pool and the East Region pool; however, any credits traded will incur a premium of 30% of their value. For example, in order for a manufacturer to make up a 2020 model year shortfall of 100 credits in the West Region Pool, the manufacturer may transfer 130 (2018 through 2020 model year) credits from the East Region Pool. No credits may be traded or transferred to the East Region pool or West Region pool from a manufacturer's California ZEV bank, or from the East Region pool or West Region pool to a manufacturer's California ZEV bank.

c. **Reduced ZEV and TZEV Percentages for Large Volume Manufacturers.** Large volume manufacturers and intermediate volume manufacturers that have fully complied with the optional section 177 state compliance path requirements in subdivision 1962.1(d)(5)(E)3, are allowed to meet ZEV percentage requirements and optional TZEV percentages reduced from the minimum ZEV floor percentages and TZEV percentages in subdivision 1962.2(b)(2)(E) in each section 177 state equal to the following percentages of their sales volume determined under subdivision 1962.2(b)(1)(B):

**ZEVs**

Model Year	2018	2019	2020	2021
Existing Minimum ZEV Floor	2.00%	4.00%	6.00%	8.00%
Section 177 State Adjustment for Optional Compliance Path	62.5%	75%	87.5%	100%
Minimum Section 177 State ZEV Requirement	1.25%	3.00%	5.25%	8.00%

**TZEVs**

Model Year	2018	2019	2020	2021
Existing TZEV Percentage	2.50%	3.00%	3.50%	4.00%
Section 177 State Adjustment for Optional Compliance Path	90.00%	100%	100%	100%
New Section 177 State TZEV Percentage	2.25%	3.00%	3.50%	4.00%

**Total Percent Requirement**

Model Year	2018	2019	2020	2021
New Total Section 177 State Optional Requirements	3.50%	6.00%	8.75%	12.00%

**i. Trading and Transferring ZEV and TZEV Credits within West Region Pool and East Region Pool.** Manufacturers that have fully complied with the optional section 177 state compliance path requirements in subdivision 1962.1(d)(5)(E)3. may trade or transfer 2012 and subsequent model year ZEV and TZEV credits within the West Region pool to meet the same model year requirements in subdivision 1962.2(d)(5)(E)1.a2.c., and will incur no premium on their credit values. For example, for a manufacturer to make up a 2019 model year shortfall of 100 credits in State X, the manufacturer may transfer 100 (2012 through 2019 model year) ZEV credits from State Y, within the West Region pool. Manufacturers that have fully complied with the optional section 177 state compliance path requirements in subdivision 1962.1(d)(5)(E)3. may trade or transfer 2012 and subsequent model year ZEV and TZEV credits within the East Region pool to meet the same model year requirements in subdivision 1962.2(d)(5)(E)1.a2.c., and will incur no premium on their credit values. For example, for a manufacturer to make up a 2019 model year shortfall of 100 credits in State W, the manufacturer may transfer 100 (2012 through 2019 model year) ZEV credits from State Z, within the East Region pool.

**ii. Trading and Transferring ZEV and TZEV Credits between the West Region Pool and East Region Pool.** Manufacturers that have fully complied with the optional section 177 state compliance path requirements in subdivision 1962.1(d)(5)(E)3. may trade or transfer 2012 and subsequent model year ZEV and TZEV credits to meet the same model year requirements in subdivision 1962.2(d)(5)(E)2.-a.c. between the West Region pool and the East Region pool; however, any credits traded will incur a premium of 30% of their value. For example, in order for a manufacturer to make up a 2019 model year shortfall of 100 credits in the West Region Pool, the manufacturer may transfer 130 (2012 through 2019 model year) credits from the East Region Pool. No credits may be traded or transferred to the East Region pool or West Region pool from a manufacturer's California ZEV bank, or from the East Region pool or West Region pool to a manufacturer's California ZEV bank.

**db. Reporting Requirements.** On an annual basis, by May 1st of the calendar year following the close of a model year, each manufacturer that elects the optional Section 177 state compliance path under subdivision 1962.1(d)(5)(E)3., shall submit, in writing, to the Executive Officer and each Section 177 state a report, including an itemized list, that demonstrates the manufacturer has met the requirements of this subdivision 1962.2(d)(5)(E)1.2. within the East Region pool and within the West Region pool. The itemized list shall include the following:

- i.** The manufacturer's total applicable volume of PCs and LDTs delivered for sale in each Section 177 state within the regional pool, as determined under subdivision 1962.2(b)(1)(B).
- ii.** Make, model, credit earned, and Section 177 state where delivery for sale of TZEVs and ZEVs occurred to meet manufacturer's requirements under subdivision 1962.2(d)(5)(E)1.2.a.

**de. Right to Request Vehicle Identification Numbers.** Upon request by the Executive Officer or a Section 177 state, each manufacturer that elects the optional Section 177 state compliance path under subdivision 1962.1(d)(5)(E)3. shall provide the vehicle identification numbers in the report required by subdivision 1962.1(d)(5)(E)3.b.d.

**fd. Failure to Meet Optional Section 177 State Compliance Path Requirements.** A large volume manufacturer that elects the optional Section 177 state compliance path under subdivision 1962.1(d)(5)(E)3, and does not meet the modified percentages in subdivision 1962.2(d)(5)(E)1.a2.c. in a model year or make up its deficit within the specified time and with the specified credits allowed by subdivision 1962.2(g)(7)(A) in all Section 177 states of the applicable pool, shall be treated as subject to the total ZEV percentage requirements in section 1962.2(b) for all future model years in each Section 177 state, and the pooling provisions in subdivision 1962.2(d)(5)(E)1.a2.c. shall not apply. Any future transfers of ZEV or TZEV credits between Section 177 states will be prohibited.

An intermediate volume manufacturer that elects the optional Section 177 state compliance path under subdivision 1962.1(d)(5)(E)3. or subdivision 1962.2(d)(5)(E)2. but delivers fewer ZEVs than re-

quired under subdivision 1962.2(d)(5)(E) 2.a. shall make up the deficit by the end of the second model year in which the manufacturer is complying as an large volume manufacturer. For example, an intermediate volume manufacturer that becomes subject to large volume manufacturer requirements in 2019 model year must deliver the number of ZEVs required by subdivision 1962.2(d)(5)(E)2.a. by June 30, 2021. The pooling provisions in subdivision 1962.2(d)(5)(E)2.a. shall not apply to an intermediate volume manufacturer that fails to provide the required amount of ZEVs under subdivision 1962.2(d)(5)(E)2.a. In that case, any future transfers of ZEV or TZEV credits within or between Section 177 states will be prohibited.

Penalties shall be calculated separately by each Section 177 state where a manufacturer fails to make up the ZEV deficits within the specified time and with the credits allowed by subdivision 1962.2(g)(7)(A).

**ge.** The provisions of section 1962.2 shall apply to a manufacturer electing the optional Section 177 state compliance path, except as specifically modified by this subdivision 1962.2(d)(5)(E)2.

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(g) Generation and Use of Credits; Calculation of Penalties

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(7) Requirement to Make Up a ZEV Deficit.

(A) **General.** A manufacturer that produces and delivers for sale in California fewer ZEVs than required to meet their ZEV credit obligation, in a given model year shall submit a plan to the Executive Officer demonstrating how the manufacturer will make up the deficit by the next model year by submitting to the Executive Officer with a commensurate amount of ZEV credits. The Executive Officer will approve a plan allowing up to three model years to make up the deficit. In the case where no ZEV was produced and delivered for sale in California in the model year, the Executive Officer will approve no more than one year to make up the deficit. The amount of ZEV credits required to be submitted shall be calculated by [i] adding the number of credits from ZEVs produced and delivered for sale in California by the manufacturer for the model year to the number of credits from TZEVs produced and delivered for sale in California by the manufacturer for the model year (for a LVM, not to exceed that permitted under subdivision 1962.2(b)(2)), and [ii] subtracting that total from the number of credits required to be produced and delivered for sale in California by the manufacturer for the

model year. BEVx, TZEV, NEV, or converted AT PZEV and PZEV credits are not allowed to be used to fulfill a manufacturer's ZEV deficit; only credits from ZEVs may be used to fulfill a large volume manufacturer's ZEV deficit. Intermediate volume manufacturers may only use ZEV and TZEV credits to fulfill a manufacturer's ZEV deficit.

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Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104 and 43105, Health and Safety Code. Reference: Sections 38562, 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43018.5, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43204 and 43205.5, Health and Safety Code.

## DISAPPROVAL DECISIONS

### DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

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

### MEDICAL BOARD OF CALIFORNIA

**State of California  
Office of Administrative Law**

**In re: Medical Board of California**

**Regulatory Action: Title 16  
California Code of Regulations  
Adopt sections: 1361.5, 1361.51,  
1361.52, 1361.53, 1361.54, 1361.55  
Amend sections: 1361**

### DECISION OF DISAPPROVAL OF REGULATORY ACTION

**Government Code Section 11349.3**

**OAL File No. 2014-0827-02 S**

### SUMMARY OF REGULATORY ACTION

This rulemaking action by the Medical Board of California (Board) proposes to amend section 1361 and

adopt six new sections in title 16 of the California Code of Regulations (CCR) to implement the Uniform Standards Regarding Substance–Abusing Healing Arts Licensees, April 2011 (Uniform Standards) in accordance with Business and Professions Code section 315. The Uniform Standards were developed by the Substance Abuse Coordination Committee (Committee) that was established by the Department of Consumer Affairs pursuant to Senate Bill 1441 (Stats. 2008, ch. 548).

On August 27, 2014, the Board submitted the above–referenced regulatory action to the Office of Administrative Law (OAL) for review. On October 9, 2014, OAL notified the Board that OAL disapproved the proposed regulations because the regulations failed to comply with the consistency standard of Government Code section 11349.1, subdivision (a)(4). The Board also failed to follow procedures required by the California Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

**DECISION**

OAL disapproved the above–referenced regulatory action for the following reasons:

1. The proposed regulations failed to comply with the consistency standard of Government Code section 11349.1, subdivision (a)(4); and
2. The Board failed to follow the required APA procedures by omitting to:
  - a. provide a sufficient Economic Impact Assessment pursuant to Government Code section 11346.3, subdivision (b)(1); and
  - b. summarize and respond to all of the public comments submitted regarding the proposed action pursuant to Government Code section 11346.9, subdivision (a)(3).

All APA issues must be resolved prior to OAL’s approval of any resubmission.

**CONCLUSION**

For the foregoing reasons, OAL disapproved the above–referenced rulemaking action. Pursuant to Government Code section 11349.4, subdivision (a), the Board may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval. The Board shall make all substantial regulatory text changes, which are sufficiently related to the original text, and any documents to be added to the record, available for at least 15 days for public comment pursuant to Government Code sections 11346.8 and 11347.1. If you

have any questions, please contact me at (916) 323–6820.

Date: October 15, 2014

/s/  
Lindsey McNeill  
Attorney

FOR: DEBRA M. CORNEZ  
Director

Original: Kimberly Kirchmeyer  
Copy: Christine Valine

**OFFICE OF EMERGENCY SERVICES**

**State of California  
Office of Administrative Law**

**In re:  
California Governor’s Office of  
Emergency Services**

**Regulatory Action:  
Title 19, California Code of Regulations**

**APPROVED:**  
**Amend sections: 2735.1, 2735.3, 2735.4, 2735.5, 2740.1, 2745.1, 2745.2, 2745.3, 2745.6, 2745.7, 2745.10, 2745.10.5, 2750.2, 2750.3, 2750.4, 2750.7, 2755.2, 2755.3, 2755.4, 2755.5, 2755.6, 2755.7, 2760.1, 2760.2, 2760.5, 2760.6, 2760.7, 2760.8, 2760.9, 2760.12, 2765.1, 2765.2, 2770.2, 2770.5, 2775.2, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7, and Appendix A**

**DISAPPROVED:**  
**Adopt sections: 2770.3**

**DECISION OF PARTIAL DISAPPROVAL  
OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2014–0826–02 S**

**SUMMARY OF REGULATORY ACTION**

This rulemaking action by the California Governor’s Office of Emergency Services (OES) updates and amends the regulations that implement the California Accidental Release Prevention Program (CalARP), located in title 19 of the California Code of Regulations (CCR).

**DECISION**

On October 8, 2014, the Office of Administrative Law (OAL) notified OES of the disapproval, in part, of this regulatory action. Specifically, OAL disapproved the proposed adoption of section 2770.3 of title 19 of the CCR. The reasons for the disapproval were the following: (1) failure to comply with the “Clarity” standard of Government Code section 11349.1, and (2) failure to comply with the “Necessity” standard of Government Code section 11349.1.

**CONCLUSION**

For the reasons set forth above, OAL has disapproved part of this regulatory action. If you have any questions, please contact me at (916) 322-3761.

Date: October 15, 2014

/s/

Eric Partington

Attorney

FOR: DEBRAM. CORNEZ

Director

Original: Henry Renteria

Copy: Jack Harrah

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

File# 2014-0828-01

AIR RESOURCES BOARD

Mobile Agricultural Equipment Regulation 2013

This action provides an administrative mechanism to ensure incentive-funded projects implemented by the San Joaquin Valley Air Pollution Control District and other California air district entities choosing to opt-in result in emission reductions eligible for State Implementation Plan credit using Carl Moyer Program Guidelines as applied to agricultural equipment.

Title 13

California Code of Regulations

ADOPT: 2428

Filed 10/08/2014

Effective 01/01/2015

Agency Contact: Trini Balcazar (916) 445-9564

File# 2014-0829-07

BOARD OF STATE AND COMMUNITY  
CORRECTIONS

Standards and Training of Local Corrections and  
Probation Officers

This rulemaking by the Board of State and Community Corrections amends sections in CCR Title 15 to update selection and training regulations for local corrections and probation officers. The changes include the following: references to “Corrections Standards Authority” are replaced with “Board of State and Community Corrections”, several job classifications are updated, and references to training programs are revised.

Title 15

California Code of Regulations

AMEND: 100, 101, 102, 103, 130, 131, 132, 171,  
176, 179, 180, 181, 184, 185, 235, 260, 261, 262,  
263, 291, 292, 295, 296, 297, 298, 299, 300, 301,  
303, 304, 305, 306, 317, 318, 319, 351, 352, 353,  
354, 355, 356, 357, 358

Filed 10/09/2014

Effective 10/09/2014

Agency Contact:

Barbara Fenton (916) 323-8620

File# 2014-0918-01

DEPARTMENT OF CORRECTIONS AND  
REHABILITATION

Canine Searches for All Individuals

The Department of Corrections and Rehabilitation (Department) adopted section 3410.2 and amended sections 3000, 3173.2, 3287, and 3410.1 of title 15 of the California Code of Regulations to provide for canine searches. This regulatory action is certified as an operational necessity by the Department and deemed an emergency by the Legislature pursuant to Penal Code section 5058.3.

Title 15

California Code of Regulations

ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287,  
3410.1

Filed 10/08/2014

Effective 10/08/2014

Agency Contact: Gail Long (916) 445-2276

File# 2014-0904-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Section 3435 Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance by the Department of Food and Agriculture (DFA) makes permanent the prior emergency regulatory action (OAL file no. 2014-0530-02E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 110 square miles in Tulare County. The effect of the amendment provided authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside, and Ventura, and a portion of Fresno, Kern, Tulare, and San Luis Obispo counties that are already under quarantine for the ACP, totaling approximately 46,530 square miles.

Title 3  
California Code of Regulations  
AMEND: 3435(b)  
Filed 10/14/2014  
Effective 10/14/2014  
Agency Contact: Lindsay Rains (916) 654-1017

File# 2014-0826-01  
DEPARTMENT OF HEALTH CARE SERVICES  
Christian Science Facilities and Christian Science Practitioners

The Department of Health Care Services (DHCS) submitted this action without regulatory effect to amend sections 51051 and 51135 of title 22 of the California Code of Regulations to replace references to "Christian Science Facilities" and "Christian Science Practitioners" with reference to "Religious Nonmedical Health Care Institutions". The Department is also repealing sections 51221 and 51222, which contain requirements for Christian Science Facilities and Christian Science Practitioners.

Title 22  
California Code of Regulations  
AMEND: 51051, 51135 REPEAL: 51221, 51222  
Filed 10/08/2014  
Agency Contact:  
Kenneisha Moore (916) 552-9183

File# 2014-0829-05  
DEPARTMENT OF HUMAN RESOURCES  
Section 100, Title 2, Chapter 3, Article 2-10.5, Article 12-19, Article 20.5-29

These amendments without regulatory effect are a result of the Governor's Reorganization Plan Number One and Senate Bill 1309 (Chapter 360, Statutes of

2012) which vested the Department of Human Resources with the responsibilities of the former Department of Personnel Administration and some of the responsibilities of the State Personnel Board.

Title 2  
California Code of Regulations  
AMEND: 599.615, 599.615.1, 599.616, 599.616.1, 599.619, 599.621, 599.622, 599.623, 599.624, 599.624.1, 599.625, 599.625.1, 599.626, 599.626.1, 599.627, 599.627.1, 599.628, 599.628.1, 599.629, 599.629.1, 599.630, 599.631, 599.633, 599.633.1, 599.634, 599.635, 599.635.1, 599.636, 599.636.1, 599.637, 599.638, 599.638.1, 599.640, 599.641, 599.642, 599.643, 599.644, 599.645, 599.646, 599.647, 599.648, 599.649, 599.650, 599.651, 599.652, 599.655, 599.656, 599.657, 599.658, 599.659, 599.660, 599.661, 599.662, 599.663, 599.664, 599.665, 599.666, 599.666.1, 599.667, 599.668, 599.669, 599.670, 599.671, 599.672, 599.672.1, 599.673, 599.674, 599.675, 599.676, 599.676.1, 599.677, 599.678, 599.679, 599.680, 599.681, 599.682, 599.683, 599.684, 599.685, 599.686, 599.687, 599.688, 599.689, 599.690, 599.691, 599.700, 599.701, 599.702, 599.703, 599.703.1, 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, 599.710, 599.711, 599.714, 599.714.1, 599.715, 599.715.1, 599.716, 599.716.1, 599.717, 599.717.1, 599.718, 599.718.1, 599.719, 599.719.1, 599.720, 599.720.1, 599.721, 599.722, 599.723, 599.723.1, 599.723.2, 599.724, 599.724.1, 599.725, 599.726, 599.727, 599.728, 599.729, 599.730, 599.731, 599.732, 599.733, 599.734, 599.736, 599.737, 599.737.5, 599.738, 599.739, 599.739.1, 599.739.2, 599.740, 599.741, 599.742, 599.742.1, 599.743, 599.744, 599.745, 599.745.1, 599.746, 599.747, 599.748, 599.749, 599.750, 599.751, 599.752, 599.752.1, 599.752.2, 599.752.3, 599.753, 599.754, 599.770, 599.771, 599.772, 599.773, 599.774, 599.775, 599.776, 599.776.1, 599.777, 599.778, 599.779, 599.779.1, 599.779.2, 599.779.3, 599.779.4, 599.779.5, 599.779.6, 599.779.7, 599.780, 599.781, 599.782, 599.783, 599.784, 599.785, 599.785.5, 599.786, 599.787, 599.788, 599.789, 599.790, 599.791, 599.792.5, 599.793, 599.794, 599.795, 599.796, 599.796.1, 599.797, 599.798, 599.800, 599.801, 599.802, 599.803, 599.804, 599.805, 599.806, 599.807, 599.808, 599.809, 599.810, 599.815, 599.817, 599.818, 599.819, 599.825, 599.826, 599.827, 599.828, 599.830, 599.831, 599.832, 599.833, 599.834, 599.835, 599.836, 599.837, 599.854, 599.854.1, 599.854.2, 599.854.3, 599.854.4, 599.856, 599.857, 599.858, 599.859, 599.866, 599.867, 599.868, 599.870, 599.873,

599.874, 599.876, 599.877, 599.880, 599.881, 599.882, 599.883, 599.888, 599.893, 599.910, 599.911, 599.912, 599.913, 599.920.5, 599.920.6, 599.921, 599.922, 599.922.1, 599.922.2, 599.922.3, 599.923, 599.924, 599.924.5, 599.925, 599.925.1, 599.925.5, 599.926, 599.927, 599.929, 599.930, 599.931, 599.933, 599.934, 599.935, 599.936, 599.937, 599.937.1, 599.937.2, 599.937.3, 599.937.4, 599.939, 599.940, 599.941, 599.942, 599.943, 599.944, 599.946, 599.947, 599.950, 599.951, 599.952, 599.953, 599.954, 599.955, 599.956, 599.957, 599.958, 599.959, 599.960, 599.961, 599.962, 599.963, 599.964, 599.965, 599.966, 599.985, 599.986, 599.987, 599.988, 599.990, 599.992, 599.993, 599.994, 599.995

Filed 10/13/2014

Agency Contact: Joan Markoff (916) 324-0512

File# 2014-0902-02

DEPARTMENT OF PUBLIC HEALTH

Update Public Pools Regulations

This rulemaking action by the Department of Public Health updates sections 65501-65551 of title 22 of the California Code of Regulations regarding public pool operation, maintenance, health, sanitation, and safety.

Title 22

California Code of Regulations

ADOPT: 65530, 65534, 65540, 65546 AMEND: 65501, 65503, 65511, 65521, 65523, 65525, 65527, 65529, 65531, 65533, 6535, 65537, 65539, 65541, 65545, 65547, 65551 REPEAL: 65505, 65507, 65509, 65543, 65549

Filed 10/14/2014

Effective 01/01/2015

Agency Contact:

Charlet Archuleta (916) 445-9403

File# 2014-0829-06

DEPARTMENT OF PUBLIC HEALTH

Canine Rabies Vaccination

This action by the California Department of Public Health makes changes without regulatory effect to section 2606.4, in Title 17 of the California Code of Regulations to conform to recent changes in Health and Safety Code, section 121690.

Title 17

California Code of Regulations

AMEND: 2606.4

Filed 10/13/2014

Agency Contact:

Elizabeth Reyes (916) 445-2529

File# 2014-0902-01

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

Planning Guidelines & Procedures for Adopting & Revising CIWMP/RAIMPS

This action amends cross-references to regulations of the Department of Toxic Substances Control with respect to the definition of special waste, without substantive effect.

Title 14

California Code of Regulations

AMEND: 18720

Filed 10/08/2014

Agency Contact: Tamar Dyson (916) 341-6083

File# 2014-0829-04

FISH AND GAME COMMISSION

Use of Tiger Salamander as Live Bait

This rulemaking by the Fish and Game Commission ("FGC") amends 14 CCR §§ 200.12, 200.29, and 200.31, to resolve a conflict between these sections and 14 CCR § 671(c)(3)(C)1. Under Section 671, since 2001, it has been unlawful to import, transport, and possess tiger salamanders in California. (14 CCR § 671(c)(3)(C)1.) Despite this general prohibition, prior to this rulemaking, Sections 200.12, 200.29, and 200.31 provided for the legal sale of waterdogs—which are an "exotic subspecies of the tiger salamander" (14 CCR § 200.31(c))—as live fish bait. This rulemaking eliminates all references to waterdogs as bait in Sections 200.12, 200.29, and 200.31, making these sections consistent with Section 671 and further clarifying to the public that the use of waterdogs as bait is prohibited.

Title 14

California Code of Regulations

AMEND: 200.12, 200.29, 200.31

Filed 10/13/2014

Effective 01/01/2015

Agency Contact:

Jon Snellstrom (916) 654-4899

File# 2014-0905-01

FISH AND GAME COMMISSION

Commercial Herring Fishery

This rulemaking action by the Fish and Game Commission (Commission) updates regulations governing the commercial herring fishery in California for the 2014-2015 season. The Commission is also updating the Monthly Landings and Royalty Report, Form FG 143 HR (Rev. 2/14), which is incorporated by reference.

Title 14  
 California Code of Regulations  
 AMEND: 163, 164  
 Filed 10/13/2014  
 Effective 10/13/2014  
 Agency Contact: Sheri Tiemann (916) 654-9872

Title 23  
 California Code of Regulations  
 AMEND: 3930 (History Note)  
 Filed 10/13/2014  
 Effective 11/12/2014  
 Agency Contact: Ginachi Amah (213) 576-6685

File# 2014-0826-02  
 OFFICE OF EMERGENCY SERVICES  
 California Accidental Release Prevention (CalARP)  
 Program

This rulemaking action by the California Governor's Office of Emergency Services updates and amends the regulations that implement the California Accidental Release Prevention Program (CalARP), located in title 19 of the California Code of Regulations.

Title 19  
 California Code of Regulations  
 ADOPT: 2770.3 AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2740.1, 2745.1, 2745.2, 2745.3, 2745.6, 2745.7, 2745.10, 2745.10.5, 2750.2, 2750.3, 2750.4, 2750.7, 2755.2, 2755.3, 2755.4, 2755.5, 2755.6, 2755.7, 2760.1, 2760.2, 2760.5, 2760.6, 2760.7, 2760.8, 2760.9, 2760.12, 2765.1, 2765.2, 2770.2, 2770.5, 2775.2, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7 and Appendix A  
 Filed 10/08/2014  
 Effective 01/01/2015  
 Agency Contact: Jack Harrah (916) 845-8759

File# 2014-0829-02  
 STATE WATER RESOURCES CONTROL BOARD  
 Los Angeles Region Basin Plan—Administrative  
 Updates to Chapter 3

The State Water Resources Control Board added a history note to section 3930 of title 23 of the California Code of Regulations as a change without regulatory effect reflecting the State Water Resources Control Board's approval of the Los Angeles Regional Water Quality Control Board's adoption of Resolution No. R13-003, on May 2, 2013, which updated Chapter 3 of the Water Quality Control Plan for the Los Angeles Region by incorporating into the text of Chapter 3 previously adopted amendments and updated tables. The State Water Resources Control Board approved the amendments under Resolution 2014-0022, on May 20, 2014 stating that this non-regulatory administrative update to the Basin Plan did not adopt or revise water quality objectives.

File# 2014-0829-03  
 STATE WATER RESOURCES CONTROL BOARD  
 Implementation Plans: LCC Metals TMDL/SGR  
 Metals and Selenium TMDL

On June 6, 2013, the Los Angeles Regional Water Quality Control Board (Regional Board) adopted Resolution No. R13-004, amending the Water Quality Control Plan for the Los Angeles Region to incorporate implementation plans for the total maximum daily loads for metals in the Los Cerritos Channel and for metals and selenium in the San Gabriel River and impaired tributaries. The State Water Resources Control Board approved the amendment of the Basin Plan in Resolution No. 2014-0012 on March 4, 2014.

Title 23  
 California Code of Regulations  
 ADOPT: 3939.46  
 Filed 10/13/2014  
 Effective 10/13/2014  
 Agency Contact: Stefanie Hada (213) 576-6804

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

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

Title 8  
 California Code of Regulations  
 ADOPT: 10390, 10391, 10392, 10393, 10414, 10416, 10417, 10470, 10548, 10549, 10552, 10555, 10563, 10563.1, 10592, 10760, 10995, 10996  
 AMEND: 10397, 10561, 10593, 10740, 10750, 10751, 10753, 10754, 10755, 10770, 10770.1, 10845, 10957.1 REPEAL: 10213, 10241, 10246, 10253, 10256, 10294, 10227, 10230, 10233, 10236, 10240, 10243, 10244, 10250, 10251, 10252, 10254, 10260, 10272, 10275, 10280, 10281, 10295, 10296, 10561.5, 10958

Filed 10/15/2014  
 Effective 01/01/2015  
 Agency Contact: Rick Dietrich (415) 703-4554

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN May 14, 2014 TO  
 October 15, 2014**

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

**Title 2**

10/13/14 AMEND: 599.615, 599.615.1, 599.616, 599.616.1, 599.619, 599.621, 599.622, 599.623, 599.624, 599.624.1, 599.625, 599.625.1, 599.626, 599.626.1, 599.627, 599.627.1, 599.628, 599.628.1, 599.629, 599.629.1, 599.630, 599.631, 599.633, 599.633.1, 599.634, 599.635, 599.635.1, 599.636, 599.636.1, 599.637, 599.638, 599.638.1, 599.640, 599.641, 599.642, 599.643, 599.644, 599.645, 599.646, 599.647, 599.648, 599.649, 599.650, 599.651, 599.652, 599.655, 599.656, 599.657, 599.658, 599.659, 599.660, 599.661, 599.662, 599.663, 599.664, 599.665, 599.666, 599.666.1, 599.667, 599.668, 599.669, 599.670, 599.671, 599.672, 599.672.1, 599.673, 599.674, 599.675, 599.676, 599.676.1, 599.677, 599.678, 599.679, 599.680, 599.681, 599.682, 599.683, 599.684, 599.685, 599.686, 599.687, 599.688, 599.689, 599.690, 599.691, 599.700, 599.701, 599.702, 599.703, 599.703.1, 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, 599.710, 599.711, 599.714, 599.714.1, 599.715, 599.715.1, 599.716, 599.716.1, 599.717, 599.717.1, 599.718, 599.718.1, 599.719, 599.719.1, 599.720, 599.720.1, 599.721, 599.722, 599.723, 599.723.1, 599.723.2, 599.724, 599.724.1, 599.725, 599.726, 599.727, 599.728, 599.729, 599.730, 599.731, 599.732, 599.733, 599.734, 599.736, 599.737, 599.737.5, 599.738, 599.739, 599.739.1, 599.739.2, 599.740, 599.741,

599.742, 599.742.1, 599.743, 599.744, 599.745, 599.745.1, 599.746, 599.747, 599.748, 599.749, 599.750, 599.751, 599.752, 599.752.1, 599.752.2, 599.752.3, 599.753, 599.754, 599.770, 599.771, 599.772, 599.773, 599.774, 599.775, 599.776, 599.776.1, 599.777, 599.778, 599.779, 599.779.1, 599.779.2, 599.779.3, 599.779.4, 599.779.5, 599.779.6, 599.779.7, 599.780, 599.781, 599.782, 599.783, 599.784, 599.785, 599.785.5, 599.786, 599.787, 599.788, 599.789, 599.790, 599.791, 599.792.5, 599.793, 599.794, 599.795, 599.796, 599.796.1, 599.797, 599.798, 599.800, 599.801, 599.802, 599.803, 599.804, 599.805, 599.806, 599.807, 599.808, 599.809, 599.810, 599.815, 599.817, 599.818, 599.819, 599.825, 599.826, 599.827, 599.828, 599.830, 599.831, 599.832, 599.833, 599.834, 599.835, 599.836, 599.837, 599.854, 599.854.1, 599.854.2, 599.854.3, 599.854.4, 599.856, 599.857, 599.858, 599.859, 599.866, 599.867, 599.868, 599.870, 599.873, 599.874, 599.876, 599.877, 599.880, 599.881, 599.882, 599.883, 599.888, 599.893, 599.910, 599.911, 599.912, 599.913, 599.920.5, 599.920.6, 599.921, 599.922, 599.922.1, 599.922.2, 599.922.3, 599.923, 599.924, 599.924.5, 599.925, 599.925.1, 599.925.5, 599.926, 599.927, 599.929, 599.930, 599.931, 599.933, 599.934, 599.935, 599.936, 599.937, 599.937.1, 599.937.2, 599.937.3, 599.937.4, 599.939, 599.940, 599.941, 599.942, 599.943, 599.944, 599.946, 599.947, 599.950, 599.951, 599.952, 599.953, 599.954, 599.955, 599.956, 599.957, 599.958, 599.959, 599.960, 599.961, 599.962, 599.963, 599.964, 599.965, 599.966, 599.985, 599.986, 599.987, 599.988, 599.990, 599.992, 599.993, 599.994, 599.995

09/25/14

AMEND: 18438.5

09/09/14

ADOPT: 599.839, 599.844.1, 599.844.2, 599.848, 599.849, 599.968, 599.969, 599.970, 599.971, 599.972, 599.973, 599.974, 599.975, 599.976, 599.977, 599.978, 599.979 AMEND: 599.600, 599.601, 599.602, 599.603, 599.604, 599.605, 599.606, 599.607, 599.608, 599.609, 599.610, 599.840, 599.841, 599.850 REPEAL: 599.842, 599.843,

599.844, 599.845, 599.846, 599.847, 599.849, 599.978, 599.979, 599.980

09/09/14 ADOPT: 4.5, 54.2, 56, 249 AMEND: 37, 53.2, 151.3, 151.5, 153, 171, 174, 174.6, 174.8, 176, 185, 187, 188, 190, 194, 195, 196, 197, 197.5, 199, 199.1, 200, 203, 203.1, 203.7, 205, 206, 207, 211, 213.4, 213.5, 232, 234, 235, 239, 241, 264, 265, 266, 266.1, 266.2, 266.3, 282, 302.2, 302.3, 303, 500, 501, 502, 503, 504, 505, 506, 511, 512, 513, 547.54, 547.55, 547.56 REPEAL: 8, 172.1, 172.3, 172.4, 172.5, 172.6, 172.7, 172.8, 172.9, 172.10, 172.11, 201, 458, 470, 470.1, 471, 471.1, 472

08/25/14 ADOPT: 2980.5, 2980.11 AMEND: 2980.1, 2980.3, 2980.5(a) (Renumbered to 2980.6(b)), 2980.5(b) (Renumbered to 2980.6(c)), 2980.5(c) (Renumbered to 2980.6(d)), 2980.6 (Renumbered to 2980.7), 2980.7(a) (Renumbered to 2980.8(a) and 2980.8(b)), 2980.7(b) (Renumbered to 2980.9(a)), 2980.7(c) (Renumbered to 2980.9(b)), 2980.8 (Renumbered to 2980.10), 2980.9 (Renumbered to 2980.12)

08/19/14 AMEND: 1859.90.2, 1859.90.3, 1859.193, 1859.197

08/12/14 ADOPT: 18700.3 AMEND: 18438.5 REPEAL: 18703.1

08/12/14 ADOPT: 649.24 AMEND: 649, 649.4, 649.8, 649.26, 649.29, 649.32, 649.40, 649.43

08/07/14 ADOPT: 18422, 18422.5 AMEND: 18215, 18427.1 REPEAL: 18412

07/30/14 AMEND: 679

07/14/14 AMEND: 549

05/30/14 REPEAL: 649.56

05/29/14 AMEND: 22600, 22600.1, 22600.2, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.,3, 22601.4, 22601.7 REPEAL: 22601.1

05/19/14 ADOPT: 1181.1, 1181.2, 1181.3, 1181.4, 1181.5, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.9, 1182.10, 1182.11, 1182.12, 1182.13, 1182.14, 1182.15, 1182.16, 1183.1, 1183.2, 1183.3, 1183.4, 1183.5, 1183.6, 1183.7, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1,

1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5 REPEAL: 1181, 1181.1, 1181.2, 1181.4, 1182, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.1, 1183.11, 1183.12, 1183.13, 1183.131, 1183.14, 1183.2, 1183.21, 1183.25, 1183.30, 1183.31, 1183.32, 1184.5, 1184.6, 1184.7, 1184.8, 1184.9, 1184.10, 1184.11, 1185, 1185.1, 1185.2, 1185.21, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1186, 1186.5, 1186.51, 1186.52, 1186.53, 1186.54, 1186.55, 1186.6, 1186.61, 1186.62, 1186.63, 1186.64, 1186.65, 1186.7, 1186.71, 1186.72, 1186.73, 1187, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1188.4, 1189, 1189.1, 1189.2, 1189.3, 1189.6, 1189.61, 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05

**Title 3**

10/14/14 AMEND: 3435(b)

09/25/14 AMEND: 3435 (b)

09/17/14 AMEND: 3435(b)

09/15/14 AMEND: 3435(b)

09/04/14 AMEND: 3700(b)

08/25/14 AMEND: 3435(b)

08/25/14 AMEND: 6800

08/18/14 ADOPT: 3162

08/06/14 AMEND: 6000, 6196, 6400, 6624 REPEAL: 6446, 6446.1

08/05/14 REPEAL: 3277

07/22/14 AMEND: 3591.13(a)

07/10/14 AMEND: 3424

06/27/14 AMEND: 1430.142

06/24/14 AMEND: 3435(b)

06/17/14 AMEND: 3435(b)

06/02/14 AMEND: 3435(b)

05/14/14 ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND: 1280.7

**Title 4**

10/06/14 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129

09/17/14 AMEND: 1658, 1656

09/15/14 AMEND: 1844

09/08/14 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087  
 09/08/14 AMEND: 1536  
 08/13/14 AMEND: 7051, 7052, 7057, 7058, 7059, 7065, 7066, 7068  
 08/13/14 AMEND: 7030, 7031, 7036, 7037, 7038, 7044, 7045, 7047  
 08/06/14 ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15  
 08/06/14 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24  
 08/05/14 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129  
 07/10/14 ADOPT: 5600, 5610, 5620, 5630, 5640  
 AMEND: 5000, 5144, 5170, 5200, 5205, 5230, 5240, 5255, 5350, 5370  
 06/30/14 AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036  
 06/18/14 AMEND: 12505  
 06/18/14 AMEND: 8070, 8072  
 06/16/14 AMEND: 4001 ADOPT: 4002.9  
 06/13/14 AMEND: 8034  
 06/11/14 ADOPT: 12387 AMEND: 12360, 12386  
 06/09/14 ADOPT: 4402, 4403, 4496, 4496.1, 4496.2, 4496.3, 4496.4, 4496.5, 4496.6  
 05/19/14 AMEND: 7030, 7032, 7033, 7034, 7035, 7036, 7037, 7040, 7042  
 05/15/14 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129

**Title 5**

10/07/14 REPEAL: 19839  
 09/10/14 AMEND: 80037  
 09/08/14 AMEND: 55518  
 08/27/14 REPEAL: 11968.5  
 08/27/14 ADOPT: 853.7 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868  
 08/25/14 ADOPT: 15498, 15498.1, 15498.2, 15498.3  
 08/25/14 ADOPT: 12030, 12031, 12032, 12033, 12034, 12035, 12036, 12037, 12038, 12039, 12040, 12041, 12042, 12043, 12044  
 07/28/14 ADOPT: 15494, 15495, 15496, 15497  
 07/23/14 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868

07/11/14 ADOPT: 80693, 80694  
 06/26/14 ADOPT: 9517.3  
 06/13/14 ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1, 19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846, 19846.1, 19847, 19848, 19849, 19850, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855  
 05/19/14 AMEND: 80035.5

**Title 8**

10/15/14 ADOPT: 10390, 10391, 10392, 10393, 10414, 10416, 10417, 10470, 10548, 10549, 10552, 10555, 10563, 10563.1, 10592, 10760, 10995, 10996 10770 AMEND: 10397, 10561, 10593, 10740, 10750, 10751, 10753, 10754, 10755, 10770.1, 10845, 10957.1 REPEAL: 10213, 10241, 10246, 10253, 10256, 10294, 10227, 10230, 10233, 10236, 10240, 10243, 10244, 10250, 10251, 10252, 10254, 10260, 10272, 10275, 10280, 10281, 10295, 10296, 10561.5, 10958  
 10/02/14 AMEND: 1903  
 09/30/14 AMEND: 9792.5.1  
 09/23/14 AMEND: 9789.32  
 09/17/14 AMEND: 10205.13  
 09/15/14 AMEND: 10205.14  
 08/27/14 ADOPT: 9767.5.1, 9767.16.5, 9767.17, 9767.17.5, 9767.18, 9767.19 AMEND: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15, 9767.16  
 08/25/14 AMEND: 3314  
 07/31/14 AMEND: 4542  
 07/31/14 ADOPT: 5120  
 07/10/14 ADOPT: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085,

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32090, 32091, 32100, 32105, 32120,	09/17/14	ADOPT: 6464
32122, 32130, 32132, 32135, 32136,	09/03/14	ADOPT: 6420, 6422
32140, 32142, 32145, 32147, 32149,	09/02/14	ADOPT: 6540, 6542, 6544, 6546, 6548,
32150, 32155, 32162, 32164, 32165,		6550, 6552
32166, 32168, 32169, 32170, 32175,	09/02/14	REPEAL: 5.6000; 5.6000.5; 5.6001;
32176, 32178, 32180, 32185, 32190,		5.6002; 5.6003; 5.6004; 5.6005; 5.6006;
32200, 32205, 32206, 32207, 32209,		5.6007; 5.6100; 5.6101; 5.6102; 5.6110;
32210, 32212, 32215, 32220, 32230,		5.6111; 5.6112; 5.6113; 5.6114; 5.6115;
32295, 32300, 32305, 32310, 32315,		5.6117; 5.6130; 5.6131; 5.6140; 5.6141;
32320, 32325, 32350, 32360, 32370,		5.6150; 5.6151; 5.6152; 5.6153; 5.6160;
32375, 32380, 32400, 32410, 32450,		5.6161; 5.6162; 5.6163; 5.6164; 5.6170;
32455, 32460, 32465, 32470, 32500,		5.6171; 5.6180; 5.6181; 5.6182; 5.6183;
32602, 32605, 32612, 32615, 32620,		5.6190; 5.6191; 5.6192; 70.1; 70.2; 70.3;
32621, 32625, 32630, 32635, 32640,		70.4; 70.5; 70.6; 70.7; 70.8; 70.9; 70.100;
32644, 32645, 32647, 32648, 32649,		70.125; 70.126; 70.128; 70.150; 70.151;
32650, 32661, 32680, 32690, 32700,		70.152; 70.153; 70.154; 70.155; 70.156;
32720, 32721, 32722, 32724, 32726,		70.157; 70.158; 70.159; 70.160; 70.161;
32728, 32730, 32732, 32734, 32735,		70.161.5; 70.162; 70.163; 70.164;
32736, 32738, 32739, 32740, 32742,		70.165; 70.166; 70.167; 70.168; 70.169;
32744, 32746, 32748, 32750, 32752,		70.170; 70.171; 70.172; 70.173; 70.174;
32754, 32761, 32762, 32763, 32770,		70.175; 70.176; 70.177; 70.178; 70.179;
32772, 32774, 32776, 32980, 32990,		70.180; 70.181; 70.182; 70.183; 70.184;
32992, 32993, 32994, 32995, 32996,		70.185; 70.186; 70.188; 70.189; 70.190;
32997		70.4000; 70.4100; 70.4101; 70.4102;
06/24/14 AMEND: 5155		70.4103; 70.4104; 70.4105; 70.4106;
06/03/14 AMEND: 9789.30, 9789.31, 9789.32,		70.4107; 70.4108; 70.4109; 70.4110;
9789.33, 9789.37, 9789.39		70.4111; 70.4112; 70.4113; 70.4114;
06/02/14 AMEND: 5605		70.4115; 70.4117; 70.4118; 70.4119;
05/30/14 ADOPT: 13660, 13660.1, 13661, 13662,		70.4120; 70.4121; 70.4123; 70.4124;
13663, 13663.5, 13664, 13665, 13665.5,		70.4125; 70.4126; 70.4127; 70.4200;
13666, 13666.1, 13666.2, 13666.5,		70.4201; 70.4202; 70.4300; 70.4301;
13667, 13667.1, 13667.40 REPEAL:		70.4302; 70.4306; 70.4307; 70.4308;
13660, 13661, 13662		70.4309; 70.4310; 70.4311; 70.4312;
05/29/14 AMEND: 1598, 1599		70.6000; 70.6100; 70.6101; 70.6200;
05/14/14 ADOPT: 344.76, 344.77		70.6201; 70.6300; 70.6301; 70.6302;
		70.6303; 70.6304; 70.7000; 70.7001;
<b>Title 9</b>		70.7002; 70.8000; 70.8001; 70.8002;
09/29/14 AMEND: 4210		70.8050; 70.8051; 70.8052; 70.8053;
08/12/14 AMEND: 531, 532, 532.1, 532.2, 532.3,		70.8054; 70.8055; 70.8056; 70.8057;
532.4, 532.5, 532.6, 533, 534, 535		70.8058; 70.8059; 70.8060; 70.8061;
07/29/14 AMEND: 1840.205, 1850.325		70.8062; 70.8100; 70.8101; 70.8102;
06/23/14 AMEND: 4500		70.8103; 70.8104; 70.8105; 70.8106;
		70.8107; 70.8108; 70.8200; 70.8201;
		70.8203; 70.8205; 70.8206; 70.9000;
		70.9001; 70.9002
<b>Title 10</b>		09/02/14 ADOPT: 6800, 6802, 6804, 6806
10/02/14 ADOPT: 6520, 6522, 6524, 6526, 6528,		09/02/14 ADOPT: 6424, 6440
6530, 6532, 6534, 6536, 6538		08/28/14 AMEND: 2498.6
10/02/14 ADOPT: 6700, 6702, 6704, 6706, 6708,		08/21/14 AMEND: 2498.5
6710, 6712, 6714, 6716, 6718		08/18/14 ADOPT: 8000, 8010, 8020, 8030, 8070
10/02/14 ADOPT: 6462		(re-numbered to 8040) REPEAL: 8040,
09/30/14 ADOPT: 6408, 6410, 6450, 6452, 6454,		8050, 8060
6470, 6472, 6474, 6476, 6478, 6480,		08/14/14 AMEND: 2548.3, 2548.19, 2548.21,
6482, 6484, 6486, 6490, 6492, 6494,		2548.24, 2548.25
6496, 6498, 6500, 6502, 6504, 6506,		
6508, 6510, 6600, 6602, 6604, 6606,		
6608, 6610, 6612, 6614, 6616, 6618,		
6620		

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08/13/14	AMEND: 250.9, 250.10, 250.11, 250.15, 250.60, 250.61, 260.100.1, 260.100.3, 260.102.8, 260.102.14, 260.102.16, 260.102.19, 260.103.6, 260.105.33, 260.110, 260.131, 260.140.71.2, 260.141.50, 260.146, 260.151, 260.165, 260.241, 260.302, 260.507, 260.608, 260.608.2, 280.100, 280.150, 280.152, 280.153, 280.200, 280.250, 280.300, 280.400, 310.002, 310.100.2, 310.101, 310.106, 310.156.1, 310.156.2, 310.156.3, 310.303, 310.304, 1436, 1454, 1718, 1723, 1726, 1787.1, 1799, 1805.204.1, 1950.122.2, 1950.122.4, 1950.204.3, 1950.206, 1950.314.8, 2030 REPEAL: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10	06/26/14	ADOPT: 2696.20, 2696.22, 2696.24, 2696.26, 2696.28, 2696.30, 2696.32
07/31/14	ADOPT: 6456	06/19/14	AMEND: 2698.200
07/23/14	ADOPT: 10.190500, 10.190501	06/18/14	AMEND: 2698.602
07/21/14	ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670	06/16/14	ADOPT: 6458
07/17/14	ADOPT: 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1606.1, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618 AMEND: 1550 REPEAL: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596	06/16/14	AMEND: 2699.200, 2699.207
07/01/14	ADOPT: 6800, 6802, 6804, 6806	06/10/14	AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400 REPEAL: 2699.202, 2699.208, 2699.211
06/30/14	AMEND: 2705, 2710, 2713, 2718, 2725.5, 2729, 2729.5, 2731, 2742, 2743, 2746, 2752, 2758.4, 2758.5, 2761, 2763, 2790, 2790.8, 2791, 2792.1, 2792.2, 2792.18, 2792.32, 2793, 2795, 2799.2, 2801.5, 2806, 2807.4, 2809, 2809.1, 2809.3, 2810.5, 2831, 2840, 2842, 2845, 2846, 2846.7, 2846.8, 2847, 2847.3, 2848, 2849.01, 2851, 2860, 2910, 2911, 2912, 2922, 2930, 2940, 2945.2, 2945.4, 2963, 3000, 3002, 3004, 3006, 3007, 3007.2, 3007.6, 3009, 3013, 3100, 3101, 3104, 3106, 3107	06/04/14	AMEND: 2698.401
06/30/14	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538	06/02/14	ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
06/30/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620	05/21/14	ADOPT: 6460
06/26/14	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	<b>Title 11</b>	
		09/17/14	ADOPT: 51.29
		08/28/14	AMEND: 1001, 1057, 1058
		08/11/14	AMEND: 999.121, 999.129, 999.133, 999.137, 999.141, 999.143, 999.144, 999.145, 999.146, 999.165, 999.166, 999.168, 999.171, 999.172, 999.173, 999.174, 999.176, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.195, 999.203, 999.204, 999.206, 999.207, 999.209, 999.210, 999.211, 999.217, 999.219, 999.220, 999.221, 999.223
		06/11/14	AMEND: 1005, 1007, 1008
		06/05/14	AMEND: 1005, 1007, 1008, 1052
		05/29/14	AMEND: 48.6
		05/20/14	AMEND: 1082
		<b>Title 13</b>	
		10/08/14	ADOPT: 2428
		09/24/14	AMEND: 156.00, 156.01
		09/15/14	AMEND: 1233
		09/15/14	AMEND: 2030, 2031
		07/10/14	AMEND: 1962.1, 1962.2
		06/26/14	AMEND: 550.10, 551, 551.1, 551.6, 553.40, 583, 598
		06/25/14	AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 21, 25.22, 28.23
		06/19/14	REPEAL: 28.22
		06/09/14	AMEND: 1160.1, 1160.2, 1160.4
		05/19/14	ADOPT: 227.00, 227.02, 227.04, 227.06, 227.08, 227.10, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52
		<b>Title 14</b>	
		10/13/14	AMEND: 200.12, 200.29, 200.31
		10/13/14	AMEND: 163, 164
		10/08/14	AMEND: 18720

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09/29/14 ADOPT: 17225.821, 17225.822, 17225.850, 17357, 17358, 17359, 18420.1, 18431.1, 18431.2, 18431.3, 18450(a)(25) AMEND: 17346, 17350, 17351, 17352, 17353, 17354, 17355, 17356, 18420, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18431, 18432, 18433, 18450(a)(1), 18450(a)(6), 18450(a)(8), 18450(a)(10), 18450(a)(11), 18450(a)(15), 18450(a)(16), 18450(a)(17), 18450(a)(18), 18450(a)(19), 18450(a)(21), 18450(a)(24), 18450(a)(25), 18450(a)(26), 18450(a)(27), 18450(a)(28), 18450(a)(29), 18450(a)(30), 18450(a)(31), 18450(a)(32), 18450(a)(33), 18450(a)(34), 18450(a)(35), 18450(a)(36), 18450(a)(37), 18450(a)(38), 18450(a)(39), 18450(a)(40), 18456.4, 18459, 18460.1.1, 18460.2 ,18461, 18462

09/29/14 AMEND: 670.2

09/22/14 AMEND: 18660.40

09/03/14 AMEND: 502

08/29/14 AMEND: 300

08/25/14 AMEND: 7.50

08/21/14 AMEND: 7.00, 7.50, 8.00

08/12/14 AMEND: 632

08/11/14 ADOPT: 550, 550.5, 551, 630 AMEND: 552, 703 REPEAL: 550, 551, 553, 630

08/07/14 AMEND: 13055

08/04/14 AMEND: 228

07/31/14 AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34

07/10/14 AMEND: 791.7

07/08/14 AMEND: 7.50

07/02/14 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307

06/27/14 ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788

06/25/14 AMEND: 28.20

06/23/14 AMEND: 360, 361, 362, 363, 364

06/19/14 AMEND: 916.2, 936.2, 956.2

06/11/14 ADOPT: 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9, 923.9.1, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9, 963.9.1 AMEND: 895.1, 914.7, 914.8, 915.1, 916.3, 916.4, 916.9, 934.7, 934.8, 935.1, 936.3, 936.4, 936.9, 954.7, 954.8, 955.1, 956.3, 956.4, 956.9, 1034, 1051.1, 1090.5, 1090.7, 1092.09, 1093.2, 1104.1 REPEAL: 918.3, 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9.1, 938.3, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 958.3, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9

06/11/14 AMEND: 3550.8

05/22/14 AMEND: 165

05/21/14 AMEND: 360

05/19/14 AMEND: 149, 149.1

**Title 15**

10/09/14 AMEND: 100, 101, 102, 103, 130, 131, 132 , 171, 176, 179, 180, 181, 184, 185, 235, 260, 261, 262, 263, 291, 292, 295, 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 317, 318, 319, 351, 352, 353, 354, 355, 356, 357, 358

10/08/14 ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1

10/02/14 ADOPT: 3410.1 AMEND: 3173.2

09/18/14 AMEND: 3290, 3315

09/17/14 AMEND: 3043

08/27/14 ADOPT: 3750, 3751, 3752, 3753, 3754, 3756, 3760, 3761, 3761.1, 3762, 3763, 3764, 3765, 3766 AMEND: 3000, 3075.2, 3768.2, 3768.3

08/14/14 ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857

07/22/14 AMEND: 3044, 3190, 3315

07/17/14 ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1, 3521.2, 3545, 3800.2 REPEAL: 3620, 3625, 3999.14

07/07/14 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792

06/02/14 AMEND: 3000, 3075.1, 3076.4, 3269, 3357

05/14/14 AMEND: 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4,

3170.1, 3190, 3375.2, 3375.4, 3375.5,  
3375.6, 3376, 3379, 3383

**Title 16**

09/16/14 ADOPT: 1887, 1887.2, 1887.3, 1887.4.0,  
1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0,  
1887.15 AMEND: 1887, 1887.1, 1887.2,  
1887.3, 1887.4, 1887.6, 1887.7, 1887.8,  
1887.9, 1887.10, 1887.11, 1887.12,  
1887.13, 1887.14  
09/10/14 AMEND: 2285  
09/02/14 ADOPT: 2064, 2066, 2066.1 AMEND:  
2065, 2065.5, 2065.6, 2065.7, 2065.8,  
2065.8.1, 2065.8.2, 2065.8.3, 2065.9  
08/28/14 AMEND: 1399.99.2  
08/21/14 AMEND: 2526, 2581  
08/19/14 ADOPT: 2403  
08/18/14 AMEND: 1150  
08/13/14 AMEND: 1399.621  
07/30/14 ADOPT: 4146.5, 4147.5 AMEND: 4101,  
4147  
08/04/14 ADOPT: 1107  
07/30/14 ADOPT: 4146.5, 4147.5 AMEND: 4101,  
4147  
07/30/14 AMEND: 1399.15  
07/23/14 ADOPT: 1441 AMEND: 1403, 1444.5  
07/10/14 ADOPT: 2010.2, 2014.1 AMEND: 2002,  
2009, 2010, 2010.1, 2014, 2015, 2015.1,  
2068.6, 2071 REPEAL: 2062  
07/07/14 AMEND: 3363.1, 3363.2, 3363.3,  
3363.4  
06/23/14 AMEND: 3394.2, 3394.3, 3394.4  
06/16/14 AMEND: 419, 3061, 3064  
06/11/14 AMEND: 1240, 1241, 1242, 1246  
REPEAL: 1280, 1281, 1282, 1283, 1284,  
1285, 1286, 1287, 1288, 1289, 1290,  
1291  
05/21/14 AMEND: 3340.29  
05/19/14 AMEND: 1023.16, 1023.17

**Title 17**

10/13/14 AMEND: 2606.4  
09/17/14 AMEND: 94501, 94506, 94508, 94509,  
94512, 94513, 94515, 94520, 94521,  
94522, 94523, 94524, 94525, 94526,  
94528, 94700 REPEAL: 94560, 94561,  
94562, 94563, 94564, 94565, 94566,  
94567, 94568, 94569, 94570, 94571,  
94572, 94573, 94574, 94575  
08/21/14 REPEAL: 60040, 60041, 60042, 60043,  
60044, 60045, 60046, 60047, 60048,  
60049, 60050, 60051, 60052, 60053  
06/27/14 AMEND: 6540  
06/26/14 ADOPT: 95894, 95895, 95923, 95979.1,  
AMEND: 65802, 95811, 95812, 95813,  
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95834, 95841.1, 95851, 95852,  
95852.1.1, 95852.2, 95853, 95856,  
95857, 95870, 95890, 95891, 95892,  
95893, 95910, 95911, 95912, 95913,  
95914, 95920, 95921, 95922, 95942,  
95970, 95971, 95972, 95973, 95974,  
95975, 95976, 95977, 95977.1, 95978,  
95979, 95980, 95980.1, 95981, 95981.1,  
95982, 95983, 95984, 95985, 95986,  
95987, 95990, 96022

05/20/14 ADOPT: 6550, 6551, 6553, 6553.1,  
6555, 6557, 6557.1, 6557.2, 6557.3

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09/29/14 AMEND: 1684  
09/25/14 ADOPT: 1525.4  
08/21/14 AMEND: 133  
07/31/14 AMEND: 1802  
06/18/14 AMEND: 4902  
06/11/14 AMEND: 1655  
06/05/14 REPEAL: 1525.2, 1525.3  
05/15/14 AMEND: 1603  
05/14/14 ADOPT: 17942

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10/08/14 AMEND: 2735.1, 2735.3, 2735.4,  
2735.5, 2740.1, 2745.1, 2745.2, 2745.3,  
2745.6, 2745.7, 2745.10, 2745.10.5,  
2750.2, 2750.3, 2750.4, 2750.7, 2755.2,  
2755.3, 2755.4, 2755.5, 2755.6, 2755.7,  
2760.1, 2760.2, 2760.5, 2760.6, 2760.7,  
2760.8, 2760.9, 2760.12, 2765.1, 2765.2,  
2770.2, 2770.5, 2775.2, 2775.5, 2775.6,  
2780.1, 2780.2, 2780.3, 2780.4, 2780.6,  
2780.7 and Appendix A  
08/28/14 ADOPT: 902.2, 905.1, 906.3, 907, 908  
AMEND: 901, 903.1, 903.2, 904, 904.1,  
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905.2 (renumbered to 905.3), 906.1,  
906.2, 906.3 (renumbered to 906.4)  
06/24/14 AMEND: 208

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09/02/14 AMEND: 1682(c)  
08/28/14 AMEND: 2901, 2908, 2913

**Title 21**

07/08/14 AMEND: 6612(c), 6613.3, 6613.4,  
6633(d), 6633.5, 6645.1(b), 6731(c)

**Title 22**

10/14/14 ADOPT: 65530, 65534, 65540, 65546  
AMEND: 65501, 65503, 65511, 65521,  
65523, 65525, 65527, 65529, 65531,  
65533, 65535, 65537, 65539, 65541,  
65545, 65547, 65551 REPEAL: 65505,  
65507, 65509, 65543, 65549  
10/08/14 AMEND: 51051, 51135 REPEAL:  
51221, 51222

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 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75

09/04/14 AMEND: 97215, 97225, 97226, 97227, 97228, 97229, 97231, 97244, 97247, 97248, 97258, 97259, 97260, 97261, 97264

08/18/14 AMEND: 51305

08/18/14 AMEND: 51309, 51331

08/05/14 AMEND: 97232

08/05/14 AMEND: 97234, 97267

07/21/14 ADOPT: 20100.5

06/25/14 AMEND: 51341.1

06/18/14 ADOPT: 60301.050, 60301.080, 60301.180, 60301.190, 60301.370, 60301.390, 60301.450, 60301.455, 60301.575, 60301.625, 60301.670, 60301.680, 60301.685, 60301.690, 60301.705, 60301.770, 60301.780, 60301.810, 60301.840, 60301.850, 60301.855, 60301.860, 60301.870, 60301.910, 60320.100, 60320.102, 60320.104, 60320.106, 60320.108, 60320.110, 60320.112, 60320.114, 60320.116, 60320.118, 60320.120, 60320.122, 60320.124, 60320.126, 60320.128, 60320.130, 60320.200, 60320.201, 60320.202, 60320.204, 60320.206, 60320.208, 60320.210, 60320.212, 60320.214, 60320.216, 60320.218, 60320.220, 60320.222, 60320.224, 60320.226, 60320.228, 60320.230 AMEND: 60323 REPEAL: 60320

05/28/14 AMEND: 64213, 64431, 64432, 64447.2, 64463, 64465, 64481, 64530, 64534, 64534.2, 64535.8, 64535.4, 64671.80

05/22/14 AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 54501

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10/13/14 ADOPT: 3939.46

10/13/14 AMEND: 3930

10/01/14 ADOPT: 3959.6

07/28/14 ADOPT: 863, 864, 865

07/16/14 ADOPT: 875, 878.3 AMEND: 878.1, 879

07/14/14 ADOPT: 3991

07/11/14 ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29  
 AMEND: 13, 13.1, 13.2 (renumbered to 13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered 30)  
 REPEAL: 23, 24, 25, 27

07/02/14 ADOPT: 3979.7

06/09/14 AMEND: 3939.7, 3939.11

06/03/14 ADOPT: 3929.11

06/02/14 ADOPT: 877, 878, 878.1, 878.2, 879, 879.1, 879.2

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