



California Regulatory Notice Register

REGISTER 2010, NO. 30-Z

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JULY 23, 2010

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. DEL MAR RACE TRACK AUTHORITY

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEL MAR RACE TRACK AUTHORITY

NOTICE IS HEREBY GIVEN that the Del Mar Race Track Authority, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Del Mar Race Track Authority proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment provides disclosure categories appropriately tailored to the duties of the designated positions and makes other technical changes to reflect the current organizational structure of the Authority. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than September 6, 2010, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below.

The Del Mar Race Track Authority has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the pro-

posed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Del Mar Race Track Authority has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Del Mar Race Track Authority must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Deborah Fletcher
110 West A Street, 11th Floor
San Diego, CA 92101
619.645.2070
deborah.fletcher@doj.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE: **Board of Chiropractic Examiners**

A written comment period has been established commencing on **July 23, 2010**, and closing on **September 6, 2010**. Written comments should be directed to the

Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **September 6, 2010**. 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 Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODE

AMENDMENT

Multi County: Loma Prieta Joint Union Elementary School District

A written comment period has been established commencing on **July 23, 2010** and closing on **September 6, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **September 6, 2010**. 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 code shall approve code as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 2. SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY

Notice of Intention to Adopt the Conflict-of-Interest Code of the Sacramento-San Joaquin Delta Conservancy

The Sacramento-San Joaquin Delta Conservancy ("Conservancy") was created by the Sacramento-San Joaquin Delta Conservancy Act, Public Resources Code section 32300 et seq. Pursuant to Government Code section 87300, the Conservancy must prepare and adopt a conflict-of-interest code. The Conservancy hereby gives notice that it intends to adopt a conflict-of-interest code as described herein.

Description of the Code: The proposed code implements the requirements of sections 87300 through 87302 of the Government Code. The code will designate Voting Conservancy Board Members and employees who must disclose certain investments, income sources, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. At its July 7, 2010 meeting, the Conservancy authorized its staff to submit the proposed conflict-of-interest code to the Office of Administrative Law along with any other materials which the Office of Administrative Law requires to be submitted on or before July 13, 2010.

Filing Comments—Location and Date: Any interested person may submit written comments on the proposed code by submitting them in writing no later than September 6, 2010, by contacting the contact person set forth below. At this time, no public hearing has been scheduled concerning the proposed code. If any interested person or the person's representative requests a public hearing, he or she must do so no later than August 20, 2010, by contacting the Contact Person set forth below.

Availability of Copies of the Code: Copies of the proposed code, the written explanation of the reasons for the proposed code, and all of the information upon which it is based may be obtained from the Conservancy by contacting the contact person listed below. Any inquiries concerning the proposed code shall likewise be directed to the Conservancy care of the contact person listed below.

The Conservancy has determined that its proposal:

- 1) Imposes no mandate on local agencies or school districts.
- 2) Imposes no costs or savings to any state agency.
- 3) Imposes no costs to any local agency or school district in which reimbursement is required under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- 4) Will not result in any nondiscretionary costs or saving to local agencies.
- 5) Will not result in any costs or savings in federal funding to the state.
- 6) Will not have any potential cost impact on private persons, businesses or small businesses.

In making this proposal, the Conservancy must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Contact Person: All inquiries concerning this proposal and any communications required by this notice should be directed to the Conservancy care of:

Cindy Messer, Interim Executive Officer
Sacramento—San Joaquin Delta Conservancy
3500 Industrial Boulevard
West Sacramento, CA 95691
Telephone: (916) 375–2090
Facsimile: (916) 375–2091
cindy.messer@deltaconservancy.ca.gov

TITLE 2. STATE RACE TRACK LEASING COMMISSION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE STATE RACE TRACK LEASING COMMISSION

NOTICE IS HEREBY GIVEN that the State Race Track Leasing Commission, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The State Race Track Leasing Commission proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment provides disclosure categories appropriately tailored to the duties of the designated positions and makes other technical changes to reflect the current organizational structure of the Commission. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than September 6, 2010, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below.

The State Race Track Leasing Commission has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The State Race Track Leasing Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.

2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the State Race Track Leasing Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Deborah Fletcher
 110 West A Street, 11th Floor
 San Diego, CA 92101
 619.645.2070
deborah.fletcher@doj.ca.gov

TITLE 2. VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

VICTIM COMPENSATION PROGRAM REGULATIONS
 Title 2, §§ 647.4, 649.14–649.62

[Notice Published July 23, 2010]

The Victim Compensation and Government Claims Board (Board) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed 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 COMMENT PERIOD

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on September 16, 2010. The Board will consider only comments received at the Board's office by that time. Submit written comments to:

Geoff Feusahrens, Regulations Analyst
 Victim Compensation and Government Claims Board
 400 R Street
 Sacramento, CA 95811

Comments may also be submitted by facsimile (FAX) at (916) 491-6439 or by e-mail to regulations@vcgcb.ca.gov.

AUTHORITY AND REFERENCE

Government Code sections 11400.20, 13920 and 13974 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 13951, 13952, 13953, 13954, 13955, 13956, 13957, 13957.2, 13957.5, 13957.7, 13957.9, 13958, and 13959.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Victim Compensation and Government Claims Board implements the Victim Compensation Program (VCP). The rule-making action proposed the following changes to VCP regulations.

This rule-making action implements legislation effective January 1, 2010, allowing additional relocation benefits for unusual, dire, and exceptional circumstances. The rule-making action also includes several provisions to clarify regulatory language and correct grammar. The rule-making action requires that VCP inform applicants and representatives of the right to a hearing, but eliminates the mandated text for each notice of denials so that the Program can have flexibility to re-write the notice to communicate effectively depending on the needs of applicants.

It also specifies that the eligibility of a minor witness shall not be affected by the eligibility of the victim(s) or derivative victim(s). The rule-making action removes language regarding a person who is eligible as both a victim and a derivative victim that is inconsistent with Government Code sections 13955, 13957(a)(1), and 13957.5.

It revises language stating that, if an applicant files an application within 90 days of the first pecuniary loss,

the application is considered good cause timely filed to provide that the time that the applicant discovers that he or she has suffered a pecuniary loss will be considered in determining whether good cause exist to accept a late application.

The rule-making action clarifies that food, clothing, and personal items are only reimbursed as relocation benefits in emergencies. It also addresses newly enacted Government Code section 13957(a)(2)(E)(SB 314), which allows the Board to increase the cash payment or reimbursement for relocation to an amount greater than \$2,000, if the Board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim effective January 1, 2010. It defines what is and is not considered unusual, dire, or exceptional circumstances, the necessary verification when the relocation is based upon the emotional wellbeing of the applicant or concerns for personal safety, and the requirement that the applicant relocate a minimum number of miles from the crime if they are the victim of on-going threats or retaliation.

The rule-making action codifies the Board's interpretation of its statutes and current practices and provides guidance regarding compensation for home security and the purchase of vehicles.

The VCP has accepted CMS 1450, CMS 1500, and American Dental Association bill forms for the convenience of the applicants. The rule-making action identifies commonly used billing forms and specifies that VCP may require the use of the form.

Government Code section 13957.9 authorizes the Board to enter into agreements with a qualified non-profit agency that utilizes the Restitution Fund at a significant level on a regular and constant basis. The rule-making action raises the minimum level of utilization of reimbursement from the Restitution Fund from \$10,000 to \$100,000 during the previous fiscal year for mental health services in order for a qualified provider to have an agreement with the Board.

The rule-making action clarifies that VCP may only reimburse income loss for the statutory time period, even if the victim has had breaks in the disability period or received reimbursement from other sources for portions of the disability period. It also clarifies the language regarding the legal dependency of minors for the purposes of income and support loss.

It includes revisions to the regulations governing reimbursable sources, human trafficking, participation in the crime, and mitigation of involvement in the events leading up to the qualifying crime for consistency with the governing statutes and clarity.

It allows VCP staff to deny an application or supplemental claim for lack of cooperation with the Board or VCP staff when the applicant does not apply for bene-

fits from other sources including, but not limited to, workers' compensation, state disability insurance, Social Security benefits, and unemployment insurance.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

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

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

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

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

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

Adoption of these regulations will not:

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

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulations do not affect small businesses because the regulations only apply to individuals who apply to the VCP.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Geoff Feusahrens
Victim Compensation and Government Claims
Board
400 R Street
Sacramento, CA 95811
Telephone: (916) 491-3863

The backup contact person for these inquiries is:

Roslyn Mack
Victim Compensation and Government Claims
Board
400 R Street
Sacramento, CA 95811
Telephone: (916) 491-3605

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Geoff Feusahrens at the above address.

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

The Board 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 Geoff Feusahrens at the address or phone number listed above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing, if requested, and 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 available to the public at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Geoff Feusahrens at the address indicated above. 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 by contacting Geoff Feusahrens at the above address.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

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

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

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.5, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Eradication Area as an emergency action that was effective on May 17, 2010. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 15, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 13, 2010.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

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

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication,

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

Section 3591.5, subsection (a), was amended and established Imperial County as an eradication area for Mediterranean fruit fly, *Ceratitidis capitata*. The effect of this action was to establish authority for the State to conduct eradication activities in Imperial County against this pest. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3591.5 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3591.5 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

EFFECT ON BUSINESSES

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

COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3591.5, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes to amend Section 3591.5, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Susan McCarthy at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<http://www.cdfa.ca.gov/phpps/Regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 7. BOARD OF PILOT COMMISSIONERS

BUSINESS, TRANSPORTATION AND HOUSING AGENCY BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF SAN FRANCISCO, SAN PABLO, AND SUISUN

NOTICE OF PROPOSED RULEMAKING

July 23, 2010

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

1. Title 7. Harbors and Navigation, Division 2. State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 3. Officers, Committees, Employees. Sections 206

and 207, relating to the terms of the President and Vice President.

2. Title 7. Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 4. Training Programs. Section 215 relating to Pilot and Inland Pilot Training.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

Descriptions of the proposed changes are as follows:

1. Title 7. Harbors and Navigation, Division 2. State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 3. Officers, Committees, Employees. Sections 206 and 207, relating to the terms of the President and Vice President.

The Board proposes to amend sections 206 and 207 in Title 7 of the California Code of Regulations in order to implement, interpret and make specific Harbors and Navigation Code section 1153 relating to the Board electing a president.

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Harbors and Navigation Code section 1154 and in order to implement, interpret, and make specific Harbors and Navigation Code section 1153.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing section 206 provides that the Board of Pilot Commissioners shall elect a President from among its members. It also provides that the President shall serve for a one year term and not serve for more than two consecutive terms. The Board proposes to amend this section to provide for a two-year term for the President of the Board. It also will allow for the term of the President to renew until the end of that Board member's term of office. This section also provides that the President serves at the pleasure of the Board and can be recalled at any time at a publicly noticed meeting. This amendment will allow a President to hold a term for up to eight years.

Existing section 207 provides that the Board of Pilot Commissioners shall elect a Vice President from among its members and that in the absence of the President, the Vice President shall have all the powers of the President. It also provides that the Vice President shall serve for a one year term and not serve for more than two consecutive terms. The Board proposes to amend section 207 to provide for a two-year term for the Vice Presi-

dent of the Board. It also will allow for the term of the Vice President to renew until the end of that Board member's term of office and provides that the Vice President serves at the pleasure of the Board and can be recalled at any time at a publicly noticed meeting. This amendment will allow a Vice President to hold the term for up to eight years.

COST ESTIMATES OF PROPOSED ACTION

The Board has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not directly affect small business. This proposal will provide job opportunities to individual persons.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The adoption of these regulations will not facilitate the creation or elimination of jobs within California. The adoption of these regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

REASONABLE ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by the agency or that has otherwise been

identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. Title 7. Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Article 4. Training Programs. Section 215 relating to Pilot and Inland Pilot Training.

The Board proposes to amend section 215(b)(2) in Title 7 of the California Code of Regulations in order to implement, interpret and make specific Harbors and Navigation Code 1171.5 relating to Pilot and Inland Pilot Training.

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Harbors and Navigation Code section 1154 and in order to implement, interpret, and make specific Harbors and Navigation Code section 1171.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing section 215 provides that every pilot and inland pilot must complete the required training program. The established training program consists of two parts, attendance at a manned scale model shiphandling course at least six days in length once every five years and attendance at a combination course at least five days in length completed at least once every three years. The Board proposes to amend this section to require the pilots and inland pilots to attend the combination course at least once every five years instead of every three years. The context of the combination course remains the same.

COST ESTIMATES OF PROPOSED ACTION

The Board has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.

- Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on representative person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not directly affect small business. This proposal will only affect the pilots and inland pilots in the Bays of San Francisco, San Pablo, Suisun and Monterey.

ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESS

The adoption of these regulations will not facilitate the creation or elimination of jobs within California. The adoption of these regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

REASONABLE ALTERNATIVES CONSIDERED

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to the Board. Written comments will be accepted by the Board until 5:00 p.m. on September 7, 2010. Submit comments to:

Terri Toohey
Business, Transportation and Housing Agency
980 Ninth Street, Suite 2450
Sacramento, CA 95814
terri.toohey@bth.ca.gov

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Name: Terri Toohey
Email: terri.toohey@bth.ca.gov
Phone: 916-323-5400

The backup contact person for these inquiries is:

Name: Allen Garfinkle, Executive Director
Email: allen.garfinkle@bopca.gov
Phone: 415-397-2253

Questions on the substance of the proposed regulations may be directed to:

Name: Allen Garfinkle, Executive Director
Email: allen.garfinkle@bopca.gov

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Board may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulation are appropriate. If the Board 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 Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Terri Toohey at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Business, Transportation and Housing Agency, 980 Ninth Street, Suite 2450, California during normal business working hours (9 a.m.-5 p.m.). Please contact Terri Toohey at the above email address to arrange a date and

time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Board Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

BOARD INTERNET WEBSITE

The Board maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: www.pilotcommission.org.

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE OF PROPOSED RULEMAKING

The Department of Justice proposes to amend section 4001 of Title 11, Division 5, Chapter 1, of the California Code of Regulations (CCR) concerning Dealer's Record of Sale (DROS) fees after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department of Justice (DOJ) will hold a public hearing on Wednesday, September 15, 2010, to receive public comments on the proposed regulatory action. The hearing will be held at 9:00 a.m., at the Department of Water Resources auditorium at 1416 9th Street, Sacramento. The auditorium is wheelchair accessible. At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The DOJ requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the

proposed regulatory action to the DOJ. The written comment period closes on September 15, 2010 at 5:00 p.m. Only comments received at DOJ by that time will be considered. Written comments should be submitted to:

Mail: Jeff Amador
Department of Justice
P.O. Box 820200
Sacramento, CA 94203-0200
or
Email: jeff.amador@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Penal Code section 12076
Reference: Penal Code sections 12072, 12076, 12083, and 12289

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code section 12076, subdivision (f), authorizes the DOJ to charge a fee sufficient to reimburse its costs for processing Dealer's Record of Sale (DROS) transactions. Since November 2004, the basic DROS fee has been \$19. The proposed regulations would lower the DROS fee to \$14.

The proposed regulations would also require the department to review its DROS revenues and DROS-related expenses at the end of each fiscal year to determine whether it is necessary to adjust the DROS fee. By September 1, 2011 and by September 1st each year thereafter, the department shall publish its determination on the DOJ public website. If the department determines it is necessary to administratively adjust the DROS fee, the department shall provide notice of the amount and date of the adjustment at least 30 days before the adjustment takes effect to all interested parties.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department of Justice has made the following determinations:

- Mandate on local agencies or school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business, including the ability of

California businesses to compete with businesses in other states: None.

Cost impacts that a representative person or business would incur in reasonable compliance with the proposed action: Individuals who acquire firearms will benefit from the \$5.00 decrease in the DROS fee. Firearm dealers may also benefit through increased firearm sales due to the lower DROS fee.

Significant effect on housing costs: None.

Small business determination: The department has determined the proposed regulations could have a positive impact on firearm dealers through an increase in firearms sales due to the lower DROS fee. Although the DROS fee is collected by firearms dealers, the full fee amount is subsequently submitted to DOJ by the dealers.

Assessment regarding effect on jobs/businesses: Adoption of the proposed regulations will not:

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

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DOJ must determine that no reasonable alternative was considered, or has been identified and brought to the attention of DOJ that is more effective in carrying out the purpose of the action proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to Jeff Amador at (916) 263-0256, or Jennifer Almanza at (916) 274-6136. The mailing address for Jeff Amador and/or Jennifer Almanza is:

Department of Justice
Division of Law Enforcement/Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The initial statement of reasons and the text of proposed regulations are available at the DOJ website at <http://caag.state.ca.us/firearms/regs>. Copies may also be obtained by contacting Jennifer Almanza.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ 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 and accept written comments before DOJ adopts the regulations. Copies of any modified text will be available at the DOJ website at <http://caag.state.ca.us/firearms/regs>. A written copy of any modified text may be obtained by contacting Jennifer Almanza.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the final statement of reasons will be available on the DOJ website at <http://caag.state.ca.us/firearms/regs>. You may also obtain a written copy of the final statement of reasons by contacting Jennifer Almanza.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in strikeout and italics format, as well as the Final Statement of Reasons once it is completed, are available at our website at <http://caag.state.ca.us/firearms/regs>.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 29.01 in Article 2.1, Chapter

1, Division 1, Title 13 of the California Code of Regulations, relating to commercial driver 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 person 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. on September 6, 2010, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action 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 Division 1, Chapter 1, Article 2.1, Title 13 of the California Code of Regulations, relating to the disqualification of commercial drivers.

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.

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 of Title 49, Code of Federal Regulations, provides 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.

FISCAL IMPACT STATEMENT

- 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.
- Cost Impact on Representative Private Persons or Businesses: This regulation will impact commercial driver license holders who are convicted of a serious driving offense. Once the department is notified of the conviction, the driver will be disqualified from operating a commercial vehicle for a period of time as specified in federal rules. Businesses may be impacted by the disqualification of an employee, however, these regulations only codify the penalties provided by federal regulations.
- Effect on Housing Costs: None.

DETERMINATIONS

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

- 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. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- The proposed regulatory action may affect small businesses if an employee is disqualified from driving a commercial vehicle.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

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.

CONTACT PERSON

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

Randi Calkins
 Department of Motor Vehicles
 Legal Affairs Division
 P.O. Box 932382, MS C-244
 Sacramento, CA 94232-3820
 Telephone: (916) 657-6469
 Facsimile: (916) 657-1204
 E-Mail: LRegulations@dmv.ca.gov

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

Catherine Sowell, 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 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 action using underline or italics to indicate additions to, and strikethrough 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 initial statement of reasons and 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 (initial statement of reasons and express terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, 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 full 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 14. BOARD OF FORESTRY AND FIRE PROTECTION

**Board of Forestry and Fire Protection
 Title 14 of the California Code of Regulations
 [Published July 23, 2010]**

NOTICE OF PROPOSED RULEMAKING

Special Conditions Requiring Disapproval of Plans, 2010

Title 14 of the California Code of Regulations (14 CCR):

The Board of Forestry and Fire Protection (Board) proposes to amend and adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Amend

§ 898.2. Special Conditions Requiring Disapproval of Plans.

PUBLIC HEARING

The Board will hold a public hearing starting at 8:00 a.m., on Wednesday, September 8, 2010, at the Resources Building Auditorium, 1st Floor, 1416 Ninth

Street, Sacramento, 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 Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., Tuesday, September 7, 2010. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference: Sections 4511,

4512, 4513, 4521.3, 4551, 4551.5, 4552, 4553, 4554, 4554.5, 4581, 4582 and 21080.5, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current laws, under Public Resources Code 4581 and 4582 et seq, require preparation of Timber Harvesting Plans for purposes of conducting commercial timber operations and review and approval/disapproval of the plan by the Director of the California Department of Forestry and Fire Protection. The proposed regulation adds another condition under which the Director would disapprove a plan. The regulation requires the Director to disapprove a plan that would result in adverse slope stability impacts which could affect the health and safety of the public as determined by the California Geological Survey. The proposed regulation elevates health and safety on par with other agency's disapproval powers.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None are known.
- Potential cost impact on private persons or directly affected 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. The proposed regulation does not impose any new operational or plan preparation requirements that would result in an adverse cost impact.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business because the proposal adds no new operational or plan preparations cost.

- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed Rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board 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.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
 Attn: Christopher Zimny
 Regulations Coordinator
 P.O. Box 944246
 Sacramento, CA 94244-2460
 Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone (916) 653-5602.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations.

The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action, using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKE-THROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and 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. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE BOARD OF CHIROPRACTIC EXAMINERS

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners, pursuant to the authority vested in

it by Section 87306 of the Government Code, proposes amendment to its conflict-of-interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Board of Chiropractic Examiners proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment reflects the revision of the existing position of Executive Officer; includes the new positions of Staff Services Manager I and Supervising Special Investigator, and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than September 6, 2010, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than August 22, 2010, by contacting the Contact Person set forth below.

The Board of Chiropractic Examiners has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Board of Chiropractic Examiners has determined that the proposed amendments:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Board of Chiropractic Examiners must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Brian J. Stiger
2525 Natomas Park Drive, Suite 260
916-263-5355
brian.stiger@chiro.ca.gov

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING

Enhanced Fleet Modernization Program SPECIFICALLY

Vehicle Retirement State Assistance Limits; Eligibility Requirements; Ineligible Vehicles; Application Revisions for CAP; and Application Revisions for EFMP

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

NORTHERN CALIFORNIA

September 7, 2010, 1:00 p.m.
Department of Consumer Affairs
Hearing Room
1625 North Market Blvd
Sacramento, CA 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on September 7, 2010**, or must be received by the Bureau at one of the above referenced hearings. **Comments sent to persons or addresses other than those specified under Con-**

tact Person, or received after the date and time specified above, regardless of the manner of transmission, will be included in the record of this proposed regulatory action, but will not be summarized or responded to. The Bureau, upon its own motion or at the request of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 9882 of the Business and Professions Code, and to implement, interpret or make specific Sections 44100, 44101, 44102, 44103, 44104, 44104.5, 44105, 44106, 44107, 44109, 44115, 44120, 44121, 44122, 44125 and 44126 of the Health and Safety Code, the Bureau is proposing to adopt the following changes to Article 11 of Chapter 1, Division 33, Title 16, California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Bureau of Automotive Repair (BAR), within the Department of Consumer Affairs (DCA), is the state agency charged with the administration and implementation of the Smog Check Program (Program). It is designed to reduce emissions from mobile sources, such as passenger vehicles, SUVs, and trucks by requiring them to meet specific emissions standards.

The Bureau is also charged with the administration of CAP, which provides financial assistance to qualified vehicle owners that wish to retire their vehicle. Health and Safety Code (HSC) §44125 establishes the Enhanced Fleet Modernization Program (EFMP); participation in EFMP is limited to available funds. EFMP is available to vehicle owners who, if eligible, receive compensation to retire their high-polluting vehicles. Approved applicants must take their vehicle to an authorized dismantler, the vehicle must pass a visual and operational inspection before it is retired.

BACKGROUND:

Vehicle retirement provides an economic incentive to owners who wish to retire high-polluting vehicles that

might otherwise remain in service. In 2007, H&S §44125 and 44126 was enacted by Assembly Bill (AB) 118 (Nunez, Chapter 750, Statutes of 2007) ARB was charged with developing EFMP program specifics in consultation with BAR. The Bureau seeks to update its regulations to incorporate EFMP regulations as adopted by ARB.

The current vehicle retirement program is limited solely to vehicles that have failed a biennial Smog Check. In FY 08–09 CAP successfully retired 22,331 high-polluting vehicles, far less than the ARB’s recommendation of 60,000 as reported in “Proposed Strategies for California’s 2007 State Implementation Plan (SIP)”. AB 118 recognized this deficiency and responded by providing additional funding through 2015 to specifically target the highest emitting vehicles in areas with the worst air quality.

There are two main features to the EFMP regulation. First, the proposal would incorporate off-cycle¹ vehicles into the program and provide statewide incentives for vehicle retirement. EFMP greatly expands the vehicle population that can be retired in any given year and is projected to retire up to 11,500 vehicles per year when fully implemented. Consumers would retire their vehicle at a participating dismantler, receiving immediate compensation for their vehicle. By offering an incentive to owners considering vehicle retirement BAR hopes to encourage consumers to reach this decision earlier in the vehicle’s life and to replace it with a newer, lower emitting vehicle.

EFMP would significantly expand vehicle eligibility; most requirements would be consistent with the State’s existing program. For example, eligible vehicles would have to pass the same visual and functional inspections and be retired at dismantlers who have contracts with BAR. Additional flexibility is provided to the vehicle registration requirements to allow for wider participation.

There are several reasons why consumers choose to retire vehicles. One reason is that the cost of repairs necessary to keep a vehicle running often exceeds the value of the vehicle. By allocating additional funds to permanently remove these vehicles California can obtain real and measurable emission reductions. Additionally, some vehicle owners wish to upgrade to a cleaner vehicle, yet do not want the complications associated with selling a vehicle that may have little resale value. Offer-

¹Vehicles subject to the biennial Smog Check Program must receive an inspection every other year. Current regulations allow vehicles that have failed a biennial Smog Check inspection to qualify for vehicle retirement. Vehicles that are off their biennial cycle will be eligible for retirement under EFMP. Furthermore, EFMP allows for the retirement of vehicles exempt from the Program (e.g. gasoline powered vehicles 1975 and older.)

ing incentives to off-cycle vehicles will provide owners an easy and cost effective means to retire their vehicle and reduce pollution.

At the anticipated funding level of \$12.125 million for FY 10–11, EFMP is expected to result in the early retirement of up to 11,500 vehicles statewide each year. The program is voluntary and does not require participation by consumers or businesses. For businesses choosing to participate, the program is expected to provide modest positive impacts. Businesses that will benefit include new or used car dealerships due to the expected increase in vehicle sales and licensed dismantlers who will see an increase in the amount of vehicles retired.

Regulations for EFMP meet the legislative direction to expand the State’s existing vehicle retirement program to remove the highest polluting vehicles in the areas with the greatest air quality problems. Emission reduction programs based on compensation have the potential to provide greater environmental benefits when compared to traditional repair work and at lower costs to the public. Traditional repair work, in some cases, does not provide durable repairs which can cause vehicles to produce excessive emissions soon after the repair work. By accelerating the fleet turnover, California can reduce air pollution associated with motor vehicles by bringing more low-emission vehicles into the on-road fleet earlier.

In order to incorporate the EFMP, minor technical, grammatical, and editorial changes have been made to the CAP application. For example, formatting will be altered to clarify and simplify the application. The proposed application will continue to be four pages in length and through these revisions more user-friendly.

CURRENT REGULATION:

Existing regulation in the California Code of Regulations, Title 16, Division 33, Chapter 1, Article 11, is summarized as follows:

- Section 3394.3 specifies the maximum payment available for owners who wish to retire their vehicle.
- Section 3394.4 identifies eligibility requirements for the CAP.
- Section 3394.5 specifies which vehicles are ineligible for participation in CAP.
- Section 3394.6 describes the application for the CAP.
- Section 3394.7 describes the application for EFMP.

EFFECT OF REGULATORY ACTION:

The Bureau of Automotive Repair (BAR or Bureau) is proposing the following amendments to existing regulations:

I. ELIGIBILITY REQUIREMENTS:

- Remove the Revivable Junk Receipt requirement from Section 3394.4.
- Minor punctuation and grammatical changes to the text by removing unused hyphens.
- Remove expired text regarding the 180 day registration qualification requirement. Add new qualifications that vehicles cannot be placed in non-operational status for 60 days or more within the 24 months immediately preceding the registration expiration date.
- Vehicles with a registration that has lapsed for 121 days or more in the 24 months immediately preceding the registration expiration date shall be ineligible for CAP.
- Clarify the definition of an emission related failure; consumers that have failed a Smog Check due to the Malfunction Indicator Light (MIL) being illuminated are eligible for CAP.
- Remove “or light-duty” and add “sports utility vehicle (SUV) or van” to provide additional retirement opportunities to consumers.
- Change the gross vehicle weight from 8,500 to 10,000 pounds. (§ 3394.4)

II. INELIGIBLE VEHICLES: Add language to specify that dismantled and total loss salvaged vehicles that have not been re-registered pursuant to section 11519 of the Vehicle Code are ineligible for participation in the Vehicle Retirement (VR) and Repair Assistance (RA) options of CAP. Furthermore, minor punctuation and grammatical changes will be made to the text. (§3394.5)

III. APPLICATION AND DOCUMENTATION REQUIREMENTS FOR THE CONSUMER ASSISTANCE PROGRAM: Minor, technical, grammatical and editorial changes have been made to the text and CAP application to provide further clarity. (§3394.6)

IV. APPLICATION AND DOCUMENTATION REQUIREMENTS FOR THE ENHANCED FLEET MODERNIZATION PROGRAM: Incorporate requirements including an application for participation in the EFMP for retirement of off-cycle vehicles and vehicles not subject to a biennial Smog Check. (§3394.7)

These proposed actions will make the following changes to existing regulation:

1. Amend §3394.4 Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Remove from section (a) subsection (5)(A) text “Obtain a Revivable Junk Receipt from the Department of Motor Vehicles after receiving written confirmation from the Bureau of Automotive Repair on program eligibility;”. Furthermore, remove hyphens in “twelve–(12)” from subsection (5)(A) and (B).

Removing the Revivable Junk Receipt requirement will remove a step in the vehicle retirement process for consumers. Consumers will no longer be required to obtain a Junk Receipt from DMV; this function will be incorporated into the dismantlers function to verify clear title prior to a vehicle being scraped. Remove unused and unnecessary hyphens in subsections (5)(A) and (B).

This edit renumbers subparagraph (5)(B) which will now become (5)(A) and (5)(C) will be renumbered as (5)(B).

- b. Remove subsection (c) subparagraph (4)(A) entirely.

This edit will remove expired text regarding CAP eligibility requirements, specifically, that the vehicle registration must be expired for less than 180 days from the postmark date on the application. This edit helps simplify BAR regulations.

This edit renumbers subsection (c) subparagraph (4)(B) which will now become (4).

- c. Amend subsection (c) by renumbering subparagraph (5) to (5)(A) and replace “and” with “or.” Add subsection (5)(B) and add text “Vehicle is placed in non–operational status pursuant to Vehicle Code Section 4604, et seq., for a total of 60 or fewer days for the 24 months immediately preceding the registration expiration date; or”.

This revision adds additional qualifications to the VR option of CAP. In order to qualify for EFMP, a consumer’s vehicle cannot be of non–operational status for more than 60 days in the 24 months immediately preceding the registration expiration date. This will make certain that vehicles being retired have a measurable impact on air quality based on the remaining useful life of the vehicle and the emissions of the typical or average

replacement vehicle. Requiring a vehicle to be placed in non–operational status for fewer than 60 days within 24 months will discourage consumers wishing to retire a vehicle that is not driven on a regular basis and therefore has no emissions credit value. Furthermore, VR is a highly efficient and cost effective means of reducing air pollution caused by older vehicles that contribute a disproportionate amount of smog–forming emissions. For example, beginning in 2010 an estimated 30% of vehicles will be over 13 years old; these vehicles account for approximately 25% of the vehicle miles driven by consumers, but are responsible for contributing up to 75% of the air pollution in California. This proposal will provide additional protection by requiring consumers to meet additional criteria in order to participate in CAP.

This edit renumbers subsection (c) subparagraph (5) to (5)(A) and adds subparagraph (5)(B).

- d. Add to subsection (c) subparagraph (5)(C) “Vehicle registration has lapsed for less than 121 days for the 24 months immediately preceding the registration expiration date.”

This revision adds additional qualifications to the VR option of CAP. In order for consumers to retire a vehicle the registration shall not lapse for more than 121 days in the 24 months immediately preceding the registration expiration date. This will ensure that vehicles being retired have a measurable impact on air quality due to the remaining useful life of the vehicle being retired. These changes are necessary to make certain that the reductions in air pollution are real and surplus. This edit will add an additional layer of consumer protection to ensure funds are spent in a responsible manner and the State receives the greatest emissions reductions for the fewest dollars spent.

This edit adds subparagraph (5)(C) to subsection (c).

- e. Remove from subsection (c) subparagraph (6)(A) entirely.

This edit will remove expired text and requires the vehicle registration be expired for less than 180 days after the date the application is postmarked. This revision will remove expired text and provide the general public with clear and concise regulations.

This edit removes (A) from subparagraph (6).

- f. Amend subsection (c) subparagraph (6)(B) to delete the comma after adjustment and add “or”. In addition, remove “, or a non-emission related failure identified by the malfunction indicator light”.

Modern vehicles are equipped with On-Board Diagnostics (OBDII), which uses electronic means to diagnose engine problems. Vehicles use a MIL to alert the operator when the vehicle has an emission related problem. This revision will allow all MIL failures to qualify for CAP VR. Vehicles with the MIL illuminated can cause excessive pollution if continually driven without the proper repairs. Allowing vehicles that have failed due to the MIL to qualify for CAP will assist BAR in reaching emissions reduction goals. In addition, retiring vehicles will benefit consumers with improved air quality and help to reduce the negative externalities that are associated with air pollution such as: asthma, lung irritation and damage, and environmental concerns.

This edit renumbers subsection (c) subparagraph (6)(B) to (6).

- g. Amend subsection (c) subparagraph (7) to remove “or light-duty” and add “sports utility vehicle (SUV) or van,”.

This edit will expand CAP to provide additional financial opportunities to consumers wanting to retire their vehicle. This edit aligns with ARB regulations adopted for the EFMP, which allows for the retirement of trucks, SUVs, and vans. This revision will provide further emissions reductions and benefit California’s air quality.

- h. Amend subsection (c) subparagraph (7) to remove “8,500” and replace it with “10,000”.

This revision would increase the existing weight limit for CAP from 8,500 to 10,000 pounds gross vehicle weight. All vehicles up to 10,000 pounds gross vehicle weight are eligible to participate in CAP. This will benefit consumers with expanded retirement opportunities and is instrumental in reducing smog-forming emissions. The edit also aligns with ARB’s EFMP regulation.

2. Amend §3394.5 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Amend subsection (a) subparagraph (6) to add text “or total loss salvage” and “that has not been re-registered”.

This revision adds text to clarify that a dismantled or total loss salvage vehicle that has not been re-registered with DMV pursuant to Section 11519 of Vehicle Code is ineligible for participation in CAP. This will ensure that vehicles being retired have a measurable impact on air quality due to the remaining useful life of the vehicle being retired. These changes will dissuade consumers from purchasing salvaged vehicles for the sole purpose of retiring them for profit through CAP. This edit will result in consolidating the ineligible vehicle requirements to one section.

3. Amend §3394.6 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Amend the title of the section to read “Application and Documentation Requirements for the Consumer Assistance Program”.

Separating the requirements for participation in the CAP and EFMP will provide consumers clear and concise regulations.

- b. Amend subsection (a) by removing “an” and adding “the”. Remove “must” and replace it with “shall meet the requirements pursuant to 3394.4 et seq. and”.

These changes will clarify the requirements associated with the CAP and reference the code section in which the requirements are listed.

- c. Amend subsection (a) by removing “PPD” and change the application date from “(03/10)” to “(05/10)”.

The incorporated form will reflect the following changes:

- I. Incorporate EFMP and expands CAP to include the retirement of off-cycle vehicles which do not require a biennial Smog Check inspection.
- II. The updated version splits the vehicle retirement option into three sections: vehicles that have failed a biennial Smog Check, off-cycle vehicles, and a general qualifications category that applies to both options.
- III. Require applicants to provide their date of birth on an application.
- IV. The updated version of the application includes other minor, technical, grammatical, and editorial changes to clarify and simplify the application.

V. The proposed application is more user-friendly.

Divide the CAP application into different segments to allow for more flexible requirements for EFMP. This change will result in the retirement of additional vehicles, specifically, off-cycle vehicles that do not require or have failed a Smog Check. By requiring consumers to provide their date of birth, BAR will be able to use this information as a unique identifier and add additional safeguards to ensure funds are spent in a responsible manner. Incorporating off-cycle vehicle retirement into the program will allow BAR to achieve additional reductions in smog-forming emissions.

- d. Amend subsection (a) by adding “and required documentation” to the text.

This edit requires consumers who are applying for CAP to provide additional documentation prior to their approval. Consumers applying under the income eligible option must provide qualifying documentation that shows the income or benefits.

This edit help ensure that funds are spent in a responsible manner and funds intended for low-income consumers fulfill its mandated requirements. This edit will help prevent consumers from misusing the program.

- e. Amend subsection (b) subparagraph (2) to add “provide” to the regulation text. In addition, remove “show proof of household income by providing a copy of”.

This edit will provide consumers a better understanding of what documents will be accepted for the verification of income when applying as a CAP income eligible consumer.

- f. Amend subsection (b) by changing subparagraph (6) to (6)(A) and add “; or”.

This edit will allow for the addition of subparagraph (6)(B).

- g. Amend subsection (b) to add subparagraph (6)(B). Add text “The applicant must show proof of household income by providing one of the following:”. Amend subsection (6)(B) to renumber (B), (C), (D), (E), and (F) to (i), (ii), (iii), (iv), and (v). In addition, add text “or” to sections (i), (ii), and (iii).

This edit will clarify what documents will be accepted for the verification of a household income and make the regulations easier for consumers to comprehend.

4. Add §3394.7 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Add title “Application and Documentation Requirements for the Enhanced Fleet Modernization Program”.

Separating the requirements for participation in the CAP and EFMP will provide consumers clear and concise regulations.

- b. Add to section 3394.7 “In order to participate in the Enhanced Fleet Modernization Program, the applicant shall meet the requirements pursuant to Title 13, Chapter 11, Article 2, California Code of Regulations, submit a completed application, 08_022 CAP/APP (05/10), which is hereby incorporated by reference, and required documentation to the Department or its designee with original signature(s).”

The proposed language provides consumers clarification on how to apply for the EFMP and the specific criteria that must be met before a vehicle can be retired. AB 118 (Nunez, Chapter 750, Statutes of 2007) required ARB to write the program specifics for EFMP and required BAR to administer the retirement program. Statute directed BAR and ARB to work in conjunction to provide the public with an effective program for retiring off-cycle vehicles. For this reason BAR must reference the requirements for EFMP which are promulgated in ARB’s code section.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES AND COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE

The proposed Enhanced Fleet Modernization Program (EFMP) is a voluntary vehicle retirement program authorized pursuant to AB 118 (Nunez, Chapter 750, Statutes of 2007). The purpose of the legislation is to augment the State’s existing vehicle retirement program. Funding for the program is provided through a \$1 increase in vehicle registration fees. BAR projects incurring \$12.125 million in direct costs associated with the retirement of eligible vehicles in FY 2010–11, with ongoing expenditures of \$14.4 million in subsequent fiscal years.

No cost or savings in federal funding to the state.

**NONDISCRETIONARY COSTS/SAVINGS TO
LOCAL AGENCIES**

None.

LOCAL MANDATE

None.

**COSTS TO ANY LOCAL AGENCY OR SCHOOL
DISTRICT FOR WHICH GOVERNMENT CODE
SECTIONS 17500–17630 REQUIRES
REIMBURSEMENT**

None.

BUSINESS IMPACT

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

The following studies/relevant data were relied upon in making the above determination:

The Bureau will be updating regulations to incorporate the creation of EFMP. ARB has been charged with writing specific program requirements in consultation with BAR, there will be no adverse impacts to businesses in the state.

This proposed action will amend the CAP application to include EFMP. This regulatory action provides consumers easily understood directions when applying for CAP.

IMPACT ON JOBS/NEW BUSINESSES

The Bureau has determined that this regulatory proposal will not eliminate jobs or existing businesses in the State of California. Potentially, a small number of new jobs may be created due to the increase in vehicle retirement and the need for consumers to replace their vehicle.

Given the recent decline in the auto sales industry, the EFMP may help to maintain current employment levels as opposed to creating new jobs.

EFMP is a consumer driven program, which consumers will not participate in if it does not provide them with economic benefits. Owners of older, higher polluting vehicles will benefit due to expanded options for replacing their vehicle with a newer, cleaner vehicle. Owners of vehicles with little resale value that continue to be driven would receive a cash incentive as a result of

EFMP. In turn, newer vehicles may be purchased as a result of the incentive received from retiring a vehicle. Individuals and businesses selling used vehicles may benefit slightly due to greater demand for resale vehicles.

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

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, other than the Business Impact described above.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses.

Requirements under this regulation do not mandate small business participation. The programs under EFMP are voluntarily and may provide positive benefits to those businesses that wish to participate in the program.

CONSIDERATION OF ALTERNATIVES

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

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Bureau has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon

request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, California, 95827.

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

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

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

CONTACT PERSON

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

Steven Hall
 Bureau of Automotive Repair
 10240 Systems Parkway
 Sacramento, CA 95827
 Telephone: (916) 255-2135
 Fax No.: (916) 255-1369
 E-mail: steven_hall@dca.ca.gov

The backup contact person is:

Tracy Brazil
 Bureau of Automotive Repair
 10240 Systems Parkway
 Sacramento, CA 95827
 Telephone: (916) 255-2279
 Fax No.: (916) 255-1369
 E-mail: tracy_brazil@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can also be found on the Bureau's Web site at www.smogcheck.ca.gov.

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

ACTION: Notice of Proposed Rulemaking
 Title 22, California Code of Regulations
SUBJECT: Dental Services, DHCS-08-017

PUBLIC PROCEEDINGS

Notice is hereby given that the Department of Health Care Services (Department) will conduct written public

proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Title XIX of the Social Security Act is a federal/state entitlement program that pays for medical assistance for certain individuals and families with low incomes and resources. This program, known as Medicaid, became law in 1965 as a cooperative venture jointly funded by the federal and state governments to assist states in furnishing medical assistance to eligible needy persons. California's Medicaid program is called the Medi-Cal Program and is administered by the Department.

Welfare and Institutions (W&I) Code, Sections 10725 and 14124.5 authorize the Director of the Department to adopt, amend or repeal regulations as necessary and proper to carry out the purposes and intent of the statutes governing the Medi-Cal Program. W&I Code Section 14132 sets forth the Medi-Cal schedule of benefits that includes dental services. The Department's Medi-Cal Dental Services Program (Program) is responsible for the delivery of dental services to eligible Medi-Cal beneficiaries.

California State Senate Bill 456 (Chapter 635, Statutes of 2001) added Division 110 (commencing with Section 130300) to the Health and Safety (H&S) Code and is known as the Health Insurance Portability and Accountability Act (HIPAA) of 2001. H&S Code Section 130301(f) provides that federal HIPAA rules directly apply to state and county departments that provide health coverage, health care, mental health services, and alcohol and drug treatment programs. Additionally, H&S Code Section 130301(h) provides that the implementation of HIPAA shall be accomplished as required by federal law and regulations. H&S Code Section 130301(c) further provides that "administrative simplification is a key feature of HIPAA" requiring the development of uniform standards for the coding and transmission of claims. These provisions of the H&S Code subject the Department to federal HIPAA rules and regulations for the implementation of uniform standard code sets.

The federal Health Insurance Portability and Accountability Act of 1996, specifically Title 45 Code of Federal Regulations (CFR), Subpart J, Section 162.1002 adopted as the standard medical data code set, the Code on Dental Procedures and Nomenclature, as maintained and distributed by the American Dental Association (ADA), for dental services. This provision required the Program to convert from the use of three-

digit local procedure codes, which are unique to California, to the national standard Current Dental Terminology (CDT) procedure codes as approved by the ADA. The current version of these codes is called CDT 2009–2010 which this regulatory action will update from the CDT 4 version. These procedure codes shall be used by the Program, Delta Dental of California (the fiscal intermediary for the Program) and dental providers for the identification and billing of dental services provided to Medi-Cal beneficiaries.

The revisions to the dental criteria include new CDT 2009–2010 procedure codes, changes in the existing title of procedures, updated frequency and/or time limitations for dental procedures and documentation requirements that providers shall meet in order to obtain prior authorization and/or payment for dental procedures. The goal of these and other changes to the dental criteria is to conform to the current version of CDT 2009–2010.

W&I Code, Section 14133.9 requires the Department to publicize and continue to develop its list of objective medical criteria that guide the professional judgment of Department consultants in their decisions as to whether a service is medically necessary and should be authorized. The Manual of Criteria for Medi-Cal Authorization (MOC), last revised January 1, 2006, which is incorporated by reference into Title 22, California Code of Regulations (CCR), Section 51003, is the method by which the Department has met this requirement. Chapter 8.1 of the MOC is dedicated to the dental criteria.

This proposed regulatory action will: implement the new updated 2009–2010 national standard CDT codes as mandated by HIPAA, update the dental criteria associated with the national standard CDT procedure codes and assure the Program meets current standards of dental practice.

This proposed regulatory action specifically accomplishes the following:

- Amends CCR Section 51003(e) with a revision date for the MOC,
- Amends Chapter 8.1 of the MOC, which is incorporated by reference in CCR Section 51003(e) and includes revised criteria for the 12 major dental procedure categories, and
- Amends the Handicapping Labio-Lingual Deviation (HLD) Index California Modification Score Sheet Form, DC016 (06/09), which is part of Chapter 8.1 of the MOC.

AUTHORITY

Sections 10725, 14105 and 14124.5, Welfare and Institutions Code; and Sections 20 and 1267.7, Health and Safety Code.

REFERENCE

Sections 14053, 14064, 14081, 14087, 14088, 14088.16, 14088.2, 14103.6, 14105.12, 14132, 14132.22, 14132.25, 14132.42, 14132.8, 14133, 14133.05, 14133.1, 14133.25 and 14133.3, Welfare and Institutions Code; *Jeneski v. Meyers* (1984) 163 Cal. App. 3d 18, 209 Cal. Rptr. 178; *Duran v. Belshé*, San Diego County Superior Court Case No. 674204, (1995); and *Fresno Community Hospital and Medical Center v. State of California, et al.*, Fresno County, Superior Court Case No. 555694–9, (1996).

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on September 10, 2010, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1–800–735–2929, if you have a TDD; or 1–800–735–2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Care Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899–7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440–5748; or
3. By email to regulations@dhcs.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier “DHCS–08–017” in the subject line to facilitate timely identification and review of the comment).

All comments, including email or fax transmissions, should include the author’s name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Dr. Brian Kennedy of Medi-Cal Dental Services at (916) 464–1206.

All other inquiries concerning the action described in this notice may be directed to Ben Carranco of the Office of Regulations at (916) 440–7766, or to the desig-

nated backup contact person, Lynette Cordell, at (916) 440-7695.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DHCS-08-017.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.dhcs.ca.gov by clicking on the Decisions Pending and Opportunity for Public Participation link (from the left menu), then selecting the Proposed Regulations link.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: None

- C. Fiscal Effect on Federal Funding of State Programs: None
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: 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.
- E. Other nondiscretionary costs or savings including revenue changes imposed on State or Local Government: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the proposed regulations would 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 Department has determined that the proposed regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small businesses since many Medi-Cal dental providers meet the criteria for small business. Medi-Cal is a voluntary program for both service providers and beneficiaries. Therefore, only those businesses that choose to be Medi-Cal providers for Dental Services would be affected by these regulations.

The Department has determined that the proposed regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) 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.

No public hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. The Department shall consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Susan Pierson, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7695 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

GENERAL PUBLIC INTEREST

BOARD OF EQUALIZATION

NOTICE OF CORRECTION

The State Board of Equalization (Board) published a Notice of Proposed Regulatory Action (NOPRA) concerning the proposed repeal of California Code of Regulations, title 18, section (Rule) 471, *Timberland*, and the proposed amendment of Rule 1020, *Timber Value Areas*, in the June 25, 2010, edition of the California Regulatory Notice Register (Register 2010, No. 26-Z, Page 982). The Board also prepared an Initial Statement of Reasons (ISR) for the proposed regulatory action.

The Informative Digest/Policy Statement Overview provided in the published NOPRA and the Statement of Specific Purpose and Necessity in the ISR both refer to "Sonora" as a county, although Sonora is a city in Tuolumne County. Therefore, the NOPRA and the ISR should have correctly referred to Sonora as a city and not as a county.

Any inquiries regarding this correction should be made 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, or by mail at State Board of Equalization, Attn: Rick

Bennion, MIC:81, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

**DEPARTMENT OF CALIFORNIA
HIGHWAY PATROL**

**NOTICE OF PROPOSED REGULATORY ACTION
EXTENSION OF COMMENT PERIOD**

TITLE 13, CALIFORNIA CODE OF REGULATIONS,
DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 7.5, SECTION 1239

**COMMERCIAL VEHICLE SAFETY ALLIANCE
NORTH AMERICAN STANDARD
OUT-OF-SERVICE CRITERIA
(CHP-R-09-13)**

The California Highway Patrol (CHP) proposes to adopt by reference the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2010, Edition, in Title 13, California Code of Regulations (13 CCR). The current regulation incorporates by reference the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2008, Edition. Section 34501(a)(1) of the California Vehicle Code (CVC) authorizes the CHP to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 CVC.

The intent of these regulations is to adopt specific uniform criteria for determining whether or not a vehicle and/or driver, inspected by an authorized representative of the CHP, is in such an unsafe condition that they are likely to constitute a hazard on a highway. These regulations will incorporate by reference specified portions of the standards contained within the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2010, Edition. Adoption of these criteria will continue to provide consistency throughout California, with neighboring states, Canada and Mexico, and provide a regulatory basis for enforcement efforts as they relate to commercial vehicle out-of-service criteria.

PUBLIC COMMENTS

In order to ensure required notice is provided and interested persons have adequate opportunity to submit comments, the public comment period outlined on the Notice of Proposed Regulatory Action (noticed in Register 2010, #25Z, published June 18, 2010) is extended until September 10, 2010. Any interested person may submit written comments on these proposed actions via facsimile to (916) 322-3154, by email to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
ATTN: Officer Ron Leimer
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments must be received no later than 4:45 p.m., September 10, 2010.

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

PROPOSED RATE METHODOLOGY CHANGES FOR FREESTANDING SKILLED NURSING FACILITIES AND FREESTANDING ADULT SUBACUTE FACILITIES

This notice is to provide information of public interest with respect to rate methodology changes that are proposed for freestanding skilled nursing facilities (SNFs) and freestanding adult subacute facilities.

The California Legislature is considering several proposals pursuant to the Medi-Cal Long Term Care Reimbursement Act enacted under Article 3.8 (commencing with Section 14126) of Chapter 7, Part 3 of Division 9 of the Welfare and Institutions Code (added by Assembly Bill 1629 of 2004). The proposed changes will be phased in beginning August 1, 2010, and are as follows:

2010-11

- Assess the Quality Assurance Fee (QAF) on Multi Level Facilities, excluding Continuing Care Retirement Communities (CCRCs).
- Provide a General Fund-neutral net rate increase not to exceed 3.93 percent if the American Recovery and Reinvestment Act of 2009 (ARRA) is extended, with the potential of a reduced adjustment to 3.14 percent if ARRA is not extended beyond December 2010.
- Reduce reimbursement for professional liability insurance to the 75th percentile.
- Eliminate the Labor Driven Operating Allocation (LDOA) daily reimbursement.
- Disallow reimbursement for legal costs related to cases that have not been resolved in favor of the SNFs.

2011-12

- Set the net reimbursement rate cap increase at a level not to exceed 2.4 percent, and allocate 1 percent of the rate increase in the Skilled Nursing Facility Quality and Accountability Special Fund for the supplemental payment pool.

- Begin supplemental payment pool quality and accountability payments to SNFs that meet or exceed the required performance measure targets/benchmarks.

When available, further information on the proposed changes may be viewed on the DHCS Long Term Care System Development Unit web page at: www.dhcs.ca.gov/services/medi-cal/Pages/LTCAB1629.aspx.

PUBLIC REVIEW AND COMMENTS

A detailed description of the proposed California legislation that will amend the Welfare and Institutions Code and Health and Safety Code to make the changes described in this notice will be made available for public review at local county welfare offices throughout the State. A copy of the description may also be requested, in writing, from:

Mr. John McCraw, Chief
Long Term Care System Development Unit
Department of Health Care Services
Medi-Cal Benefits, Waiver Analysis, and Rates Division
Department of Health Care Services, MS 4612,
P.O. Box 997413
Sacramento, CA 95899-7413

Any written comments concerning the proposal may also be mailed to Mr. McCraw at the above address.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

**California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
Notice to Interested Parties**

July 23, 2010

ANNOUNCEMENT OF PUBLIC COMMENT PERIOD

Draft Technical Support Document on Proposed Public Health Goal for Benzo(a)pyrene in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental

Protection Agency is announcing an additional 30-day public comment period for the draft technical support document for a proposed Public Health Goal (PHG) for benzo(a)pyrene in drinking water. This draft document for benzo(a)pyrene is an update of the risk assessment for the PHG published in 1997. OEHHA proposes to increase the PHG for benzo(a)pyrene to 0.007 parts per billion (ppb) from the current value of 0.004 ppb, based on new and better studies and new methods for estimating cancer risk including incorporation of cancer potency value corrections for early-in-life exposures. The draft document is posted on the OEHHA web site (www.oehha.ca.gov). OEHHA is soliciting comments on this draft of the document during a 30-day public comment period. The Office previously offered two public comment periods and held a public workshop for benzo(a)pyrene.

This 30-day public comment period is the final request for public input. Written comments must be received at the OEHHA address below by 5:00 p.m. on August 23, 2010 to be considered.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).³

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

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

Attention: PHG Project

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency
Office of Environmental Health Hazard
Assessment
Notice to Interested Parties

July 23, 2010

ANNOUNCEMENT OF PUBLIC COMMENT PERIOD

Draft Technical Support Documents on Proposed Public Health Goals for Benzo(a)pyrene and 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing an additional 30-day public comment period for the draft technical support documents for proposed Public Health Goals (PHGs) for benzo(a)pyrene and 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) in drinking water. The draft document for benzo(a)pyrene is an update of the risk assessment for the PHG published in 1997. OEHHA proposes to increase the PHG for benzo(a)pyrene to 0.007 parts per billion (ppb) from the current value of 0.004 ppb, based on new and better studies and new methods for estimating cancer risk including incorporation of cancer potency value corrections for early-in-life exposures. The draft document for TCDD incorporates significant changes in calculation of the cancer potency factor from the draft published in June, 2007, which have resulted in decreasing the proposed PHG to 0.05 picograms/liter. These draft documents are posted on the OEHHA web site (www.oehha.ca.gov). OEHHA is soliciting comments on these documents during a 30-day public comment period. The Office previously offered two public comment periods and held a public workshop for each of the chemicals.

This 30-day public comment period is the final request for public input. Written comments must be received at the OEHHA address below by 5:00 p.m. on August 23, 2010 to be considered.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public

¹ Codified at Health and Safety Code, section 116270 et seq.

² Health and Safety Code section 116365(c)

³ Health and Safety Code section 116365(a) and (b)

¹ Codified at Health and Safety Code, section 116270 et seq.

health considerations.² PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).³

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

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

Attention: PHG Project

DECISION NOT TO PROCEED

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

NOTICE OF DECISION NOT TO PROCEED Pursuant to Government Code section 11347

Pursuant to Government Code Section 11347, the Victim Compensation and Government Claims Board (VCGCB) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), July 2, 2010 (CRNR 2010, 27-Z, p. 1005, OAL File No. Z2010-0621-05).

However, VCGCB will publish a new notice on the same rulemaking proposal on July 23, 2010.

Any interested person with questions concerning this rulemaking should contact Geoff Feusahrens at either 916-491-3863 or by e-mail at geoffrey.feusahrens@vcgcb.ca.gov.

The Department will also publish this Notice of Decision Not to Proceed on its website.

² Health and Safety Code section 116365(c)

³ Health and Safety Code section 116365(a) and (b)

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

DEPARTMENT OF SOCIAL SERVICES

OFFICE OF ADMINISTRATIVE LAW

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

(Pursuant to Title 1, section 280, of the California Code of Regulations)

On February 11, 2010, The Office of Administrative Law (OAL) received a petition from Mr. Charles Thacker challenging various provisions of a citation he was issued by the Department of Social Services (DSS) as underground regulations. After reviewing the petition and the accompanying documentation, OAL accepted the petition for consideration on the following two issues:

1. Whether requiring every employee of a child care facility to have their name and background clearance associated with the facility prior to the employee's presence at the facility is an underground regulation; and,
2. Whether the requirement that any employee who does not have a criminal record clearance associated with each facility must be discharged immediately, is an underground regulation.

On July 8, 2010, DSS certified to the OAL that the second challenged rule, as to whether an employee who does have such associated clearance "must be discharged immediately," had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this part of the Petitioner's petition.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2010-0526-03
**BOARD FOR PROFESSIONAL ENGINEERS AND
 LAND SURVEYORS**
 Review of Applications

The Board for Professional Engineers and Land Surveyors submitted this action as one without regulatory effect to make changes to punctuation and grammar in title 16, California Code of Regulations, sections 3028 and 3061.

Title 16
 California Code of Regulations
 AMEND: 3028, 3061
 Filed 07/07/2010
 Agency Contact: Nancy A. Eissler (916) 263-2241

File# 2010-0526-02
**BOARD FOR PROFESSIONAL ENGINEERS AND
 LAND SURVEYORS**
 Location of Office, Definitions, Fees, Meetings, Prof. Standards

This change without regulatory effect filing conforms the Board's existing regulations to statutory changes made by AB 20, 4th Extraordinary Session (Chap. 18, Stats. 2009) which eliminated the Board of Geologists and Geophysicists (BGG) and transferred that board's duties and powers to the Board for Professional Engineers and Land Surveyors (BPELS).

Title 16
 California Code of Regulations
 AMEND: 3000, 3003, 3005, 3065 REPEAL: 3006
 Filed 07/09/2010
 Agency Contact:
 Nancy A. Eissler (916) 263-2241

File# 2010-0526-04
**BOARD FOR PROFESSIONAL ENGINEERS AND
 LAND SURVEYORS**
 Seal and Signature

This change without regulatory effect filing conforms the Board's existing regulation to statutory changes made by AB 654 (Chap. 368, Stats. 2009) which removes the requirement that professional engineers and land surveyors include the expiration date of their license in their professional seal or include it when they sign and seal their professional engineering and land surveying documents.

Title 16
 California Code of Regulations
 AMEND: 411
 Filed 07/09/2010
 Agency Contact:
 Nancy A. Eissler (916) 263-2241

File# 2010-0526-07
BUREAU OF AUTOMOTIVE REPAIR
 Smog Check Emissions Standards

The Bureau of Automotive Repair (BAR) amended section 3340.42 of title 16 of the California Code of Regulations to (1) delete language that applied through March 31, 2010 and (2) incorporate a newer corrected version of the VLT Row Specific Emissions Standards (Cutpoints) Table. These changes were submitted as changes without regulatory effect pursuant to section 100 of title 1 of the California Code of Regulations.

Title 16
 California Code of Regulations
 AMEND: 3340.42
 Filed 07/09/2010
 Agency Contact: Steven Hall (916) 255-2135

File# 2010-0701-02
**CALIFORNIA DEBT LIMIT ALLOCATION
 COMMITTEE**
 Allocation System to Administer the Unified Volume Ceiling (Package I)

The California Debt Limit Allocation Committee (CDLAC) submitted this action, deemed an emergency under Government Code section 8869.94, to adopt a system for allocating tax exempt private activity bonds within the annual state ceiling under the Internal Revenue Code and for reallocating additional bond authority under the American Recovery and Reinvestment Act of 2009 (ARRA). The action would establish the general framework of definitions, procedures, requirements, and criteria applicable to both types of bonds and specific procedures for reallocating waived federally assigned Recovery Zone Bond and Qualified Energy Conservation Bond authority under ARRA. This action would adopt 67 sections under a new division 9.5, chapters 1, 8, and 9 under title 4 of the California Code of Regulations.

Title 4

California Code of Regulations

ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, and 5550

Filed 07/12/2010

Effective 07/12/2010

Agency Contact: John Weir (916) 653-8018

File# 2010-0528-04

CALIFORNIA EMERGENCY MANAGEMENT AGENCY

Hazardous Materials Release Reporting, Inventory, and Response Plans

This change without regulatory effect updates the name of the California Fire Code (from the Uniform Fire Code) and the cross-references to the sections of the California Fire Code (Title 24, Part 9) as used in section 2729.7 and Appendix B of Article 4 of Title 19 of the California Code of Regulations.

Title 19

California Code of Regulations

AMEND: 2729.7 and Appendix B of Article 4

Filed 07/13/2010

Agency Contact: Fred Mehr (916) 845-8754

File# 2010-0526-08

CALIFORNIA ENERGY COMMISSION

Conflict of Interest Code Amendments

This is a Conflict of Interest Code filing that was approved by the Fair Political Practices Commission and is submitted for filing with the Secretary of State and printing only.

Title 20

California Code of Regulations

AMEND: 2401, 2402, Appendix, Subdivisions (a) and (b)

Filed 07/08/2010

Agency Contact: Robin Mayer (916) 651-2921

File# 2010-0528-01

CALIFORNIA HIGHWAY PATROL

Color Requirements for Law Enforcement Vehicles

The California Highway Patrol amends section 1141(b) of title 13 of the California Code of Regulations. Specifically, the California Highway Patrol amends 1141(b) to permit traffic law enforcement vehicles to have distinctive graphic stripes wider than six

inches on the exterior finish so long as the stripes do not interfere with the contrast or legibility of the indicia or name of the governmental entity operating the vehicle.

Title 13

California Code of Regulations

AMEND: 1141(b)

Filed 07/08/2010

Effective 08/07/2010

Agency Contact: Gary Ritz (916) 445-1865

File# 2010-0706-01

CALIFORNIA POLLUTION CONTROL

FINANCING AUTHORITY

Extension of previously adopted CPCFA emergency regulations

The rulemaking amends Title 4 sections relating to pollution control revenue bonds to add a new fee category associated with the sale of the bonds, and to reduce a fee that funds the Small Business Assistance Fund. Specifically, any bond issued that is not eligible for allocation of volume cap pursuant to 26 USC 146 triggers a new fee of one tenth of one percent of the face value of bonds issued and an annual fee of five one-hundredths of one percent of the outstanding balance yearly with a minimum of \$1,000 and a maximum of \$75,000. This rulemaking is also amending the small business fund assistance fees and adding new language that projects submitted by eligible small businesses that are not eligible for volume cap allocations would be required to pay the new annual fees being established. This rulemaking also makes other non-substantive clarifying changes.

Title 4

California Code of Regulations

AMEND: 8034, 8035, 8042, 8043

Filed 07/13/2010

Effective 07/13/2010

Agency Contact:

Samantha Russell (916) 654-6061

File# 2010-0617-04

DEPARTMENT OF CORRECTIONS AND

REHABILITATION

Non-Revocable Parole

On January 25, 2010, the California Department of Corrections and Rehabilitation (CDCR) amended sections 3000, 3075.2, 3075.3, 3502, and 3504 and adopted new section 3505 in title 15 of the California Code of Regulations as an emergency regulatory action which was submitted to the Office of Administrative Law (OAL) pursuant to Penal Code section 5058.3 as operationally necessary. This filing is a certificate of compliance for these emergency regulations which established Non-Revocable Parole as a form of unsupervised community release pursuant to the provisions of Penal Code section 3000.03 and incorporated by refer-

ence the form, Notification of Non-Revocable Parole Requirements, CDCR 1515-A (01/10). The emergency filing was deemed an emergency by the Legislature pursuant to Penal Code section 5058.3.

Title 15
California Code of Regulations
ADOPT: 3505 AMEND: 3000, 3075.2, 3075.3,
3502, 3504
Filed 07/13/2010
Agency Contact: Randy Marshall (916) 255-5785

File# 2010-0706-03
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area

This emergency regulatory action designates the county of Sacramento as an additional "eradication area" with respect to the light brown apple moth (*Epi-phyas postvittana*) due to the detection of the pest and according to the established protocol.

Title 3
California Code of Regulations
AMEND: 3591.20(a)
Filed 07/13/2010
Effective 07/13/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0610-01
DEPARTMENT OF FOOD AND AGRICULTURE
European Grapevine Moth Eradication Area

The Department of Food and Agriculture proposed to adopt a certificate of compliance for an emergency action adopting section 3591.24 in title 4 of the California Code of Regulations which made the entire state of California an eradication area for European Grapevine Moth. New section 3591.24 also specifies hosts and possible carriers and the means and methods which may be used in the control and eradication of the European Grapevine Moth.

Title 3
California Code of Regulations
ADOPT: 3591.24
Filed 07/07/2010
Agency Contact:
Susan McCarthy (916) 654-1017

File# 2010-0524-01
DEPARTMENT OF MENTAL HEALTH
EPSDT Appeals Process

This rulemaking action establishes in Title 9 of the California Code of Regulations a progressive (mandatory informal followed by option formal appeal) appeals process for mental health plan program reviews which result in payment disallowances and plans of correction. The appeals process enables mental health

plan subcontractors to pursue appeals directly to the Department of Mental Health themselves and without having to go through the mental health plan. The rule-making adopts the provisions of Title 22 California Code of Regulations sections 51016 through 51048 to govern the conduct of formal appeals.

Title 9
California Code of Regulations
ADOPT: 1850.350(a), 1850.350(b), 1850.350(c)
AMEND: 1810.203.5(d)
Filed 07/07/2010
Effective 08/06/2010
Agency Contact: Steven Appel (916) 654-2319

File# 2010-0526-01
DEPARTMENT OF SOCIAL SERVICES
SB 1896, Requirement for Bedridden Persons in RCFEs

This action amends the regulations for residential care facilities for the elderly to coordinate with changed statutes addressing limitations concerning bedridden residents and adopts a new regulation to specify fire clearance, notification, planning, recordkeeping, and care requirements particular to these residents.

Title 22, MPP
California Code of Regulations
ADOPT: 87606 AMEND: 87202, 87208, 87212,
87455, 87633
Filed 07/09/2010
Effective 08/08/2010
Agency Contact:
Zaid Dominguez (916) 657-2586

File# 2010-0528-02
DIVISION OF WORKERS COMPENSATION
Workers' Compensation—Official Medical Fee Schedule—Ambulance Services

The Division of Workers Compensation submitted this print-only action as a regulation exempt from the APA and from OAL review under the "rates, prices, or tariffs" exemption in Gov. Code section 11340.9(g). This regulatory action amends the division's official medical fee schedule established for ambulance services in title 8, California Code of Regulations, section 9879.70 by adding an exclusion to those fees for services provided by any air ambulance provider which at the time of service is an "air carrier," as defined in Title 49 U.S.C.A. Section 40102.

Title 8
California Code of Regulations
AMEND: 9789.70
Filed 07/13/2010
Effective 07/13/2010
Agency Contact:
Richard Starkeson (650) 737-2022

File# 2010-0629-02
FAIR POLITICAL PRACTICES COMMISSION
 Online Posting

The Fair Political Practices Commission amends Title 2, section 18313.5(c) pursuant to Title 1, section 100 of the California Code of Regulations. Specifically, the Fair Political Practices Commission makes “subdivision” plural and eliminates the reference to subsection (c). This is a change without material effect.

Title 2
 California Code of Regulations
 AMEND: 18313.5(c)
 Filed 07/08/2010
 Effective 08/07/2010
 Agency Contact:
 Virginia Latteri-Lopez (916) 324-3854

File# 2010-0528-03
FISH AND GAME COMMISSION
 Central Valley Sport Fishing

The Fish and Game Commission proposed to amend section 7.50 of title 14 of the California Code of Regulations to allow the limited recreational take of Chinook salmon in the Sacramento, Feather, and American rivers.

Title 14
 California Code of Regulations
 AMEND: 7.50
 Filed 07/12/2010
 Effective 07/12/2010
 Agency Contact:
 Sherrie Fonbuena (916) 654-9866

File# 2010-0528-05
MANAGED RISK MEDICAL INSURANCE BOARD
 MRMIP—Guaranteed Issue Pilot Prog. Reconciliation

This is a Certificate of Compliance for the regulatory action that amended sections 2698.600 and 2698.602 to rectify a conflict between statute and regulation. The changes involve the calculation of payments for health care service plans and health insurers.

Title 10
 California Code of Regulations
 AMEND: 2698.600, 2698.602
 Filed 07/12/2010
 Agency Contact: Dianne Knox (916) 324-0592

File# 2010-0601-02
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
 Specific Regulatory Levels Posing No Risk — NSRLs for p-Chloroaniline and p-Chloroaniline Hydrochloride

This action adopts the specific regulatory levels posing no significant risk levels (NSRLs) of cancer under Proposition 65 (Safe Drinking Water and Toxic Enforcement Act of 1986) for p-Chloroaniline and p-Chloroaniline hydrochloride.

Title 27
 California Code of Regulations
 AMEND: 25705(b)
 Filed 07/13/2010
 Effective 08/12/2010
 Agency Contact: Susan Luong (916) 327-3015

File# 2010-0601-03
STATE WATER RESOURCES CONTROL BOARD
 Amendment to the San Francisco Bay Basin Plan

Following adoption by the San Francisco Bay Regional Water Quality Control Board of Resolution Number R2-2008-0103, this rulemaking action by the State Water Resources Control Board adopts an amendment to the Water Quality Control Plan for the San Francisco Bay Region (the Basin Plan Amendment), which includes a Total Maximum Daily Load (TMDL) for sediment in the Sonoma Creek watershed. The amendment is also expected to enhance stream habitat attributes, including habitat complexity, fish passage, and stream baseflow. The TMDL will be achieved through compliance by responsible watershed stakeholders with the implementation measures specified in the Basin Plan Amendment and with Waste Discharge Requirements, Waivers of Waste Discharge Requirements, Clean Water Act Section 401 certifications, and existing National Pollution Discharge Elimination System permits for urban stormwater runoff and/or wastewater discharges.

Title 23
 California Code of Regulations
 ADOPT: 3919.8
 Filed 07/12/2010
 Effective 07/12/2010
 Agency Contact:
 Nick Martorano (916) 341-5980

File# 2010-0601-01
STATE WATER RESOURCES CONTROL BOARD
 Pajaro River Watershed: BPA to Establish TMDLs for Fecal Coliform, Animal & Human Waste Prohibitions

In this State Water Resources Control Board (Board) water quality control plan filing subject to Government Code section 11353, the Board submits amendments to the Water Quality Control Plan for the Central Coast Region which were adopted by the Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) in Resolution No. R3-2009-0008). In these amendments, the Central Coast Water Board addresses impairment of the Pajaro River Watershed

due to fecal coliform concentrations exceeding water quality objectives. An amendment establishes Total Maximum Daily Loads (TMDLs) and an implementation plan for fecal coliform in the Pajaro River Watershed. The amendments also establish a Domestic Animal Waste Discharge Prohibition and a Human Fecal Material Discharge Prohibition for the Pajaro River Watershed.

Title 23

California Code of Regulations

ADOPT: 3929.3

Filed 07/12/2010

Agency Contact:

Michael Buckman (916) 341-5479

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN February 10, 2010 TO
July 14, 2010**

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

Title 2

- 07/08/10 AMEND: 18313.5(c)
- 07/06/10 AMEND: 51000
- 07/01/10 AMEND: 1859.90.1
- 06/24/10 ADOPT: 1859.90.1 AMEND: 1859.90.1
renumbered as 1859.90.2, 1859.129,
1859.197
- 06/24/10 AMEND: 47000, 47001, 47002
- 06/23/10 AMEND: 1859.184
- 06/17/10 AMEND: 18703.3
- 06/17/10 ADOPT: 18313.5
- 06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300
- 05/25/10 AMEND: div. 8, ch. 65, sec. 55400
- 05/11/10 AMEND: 18945
- 05/06/10 AMEND: 1859.2
- 05/03/10 AMEND: 60040, 60045
- 04/21/10 AMEND: 1859.96, 1859.148.2,
1859.166.2
- 04/08/10 AMEND: 1859.76
- 03/23/10 AMEND: 18351
- 03/19/10 ADOPT: 59670
- 03/19/10 AMEND: 18942 REPEAL: 18630
- 03/11/10 AMEND: 18932.4
- 02/24/10 AMEND: 1859.2, 1859.41, Form SAB
50-01, Form SAB 50-02

- 02/23/10 AMEND: div. 8, ch. 16, sec. 37000
- 02/19/10 AMEND: 52400
- 02/11/10 ADOPT: 18421.9 AMEND: 18431
- 02/11/10 AMEND: 18950.3

Title 3

- 07/13/10 AMEND: 3591.20(a)
- 07/07/10 ADOPT: 3591.24
- 07/01/10 AMEND: 3437
- 06/30/10 AMEND: 3423(b)
- 06/18/10 AMEND: 6448, 6448.1, 6449, 6449.1,
6450, 6450.1, 6450.2, 6451, 6451.1
- 06/10/10 ADOPT: 429, 430 AMEND: 441
- 06/10/10 ADOPT: 3024.5, 3024.6, 3024.7, and
3024.8 AMEND: 3024, 3024.1, 3024.2,
3024.3, 3024.4, and 4603
- 06/09/10 AMEND: 3434(b), (c), (d), and (e)
- 06/07/10 AMEND: 4500
- 06/02/10 AMEND: 3435
- 06/01/10 AMEND: 3437(b)
- 05/24/10 AMEND: 3434(b)
- 05/17/10 AMEND: 3591.5(a)
- 05/17/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3,
3701.4, 3701.5, 3701.6, 3701.7, 3701.8
AMEND: 3407(e), 3407(f)
REPEAL: 3000, 3001, 3002, 3003, 3004
- 05/13/10 AMEND: 3437
- 05/04/10 AMEND: 3423(b)
- 05/04/10 AMEND: 3437(b)
- 05/04/10 AMEND: 3434(b)
- 05/03/10 AMEND: 3434(b), 3434(c) and 3434(d)
- 04/22/10 AMEND: 3434(b)
- 04/22/10 AMEND: 3406(b), 3406(c)
- 04/20/10 AMEND: 3437(b)
- 04/15/10 AMEND: 3434(b)
- 04/05/10 AMEND: 3434(b)
- 03/24/10 ADOPT: 3436
- 03/24/10 AMEND: 3588
- 03/17/10 AMEND: 3423(b)
- 03/15/10 AMEND: 3434(b)
- 03/10/10 AMEND: 3591.20(a)
- 03/10/10 AMEND: 3434(b)
- 03/04/10 AMEND: 3700(c)
- 03/04/10 AMEND: 3406(b)
- 03/03/10 REPEAL: 3279, 3433
- 03/03/10 AMEND: 3591.20
- 03/03/10 AMEND: 3406(b)
- 03/03/10 AMEND: 3423(b)
- 03/03/10 ADOPT: 3437
- 02/26/10 AMEND: 3435
- 02/18/10 AMEND: 3591.23
- 02/18/10 ADOPT: 3591.24

Title 4

- 07/13/10 AMEND: 8034, 8035, 8042, 8043

07/12/10 ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, and 5550

06/21/10 AMEND: 8070, 8072, 8073, 8074

06/09/10 AMEND: 1689.1

06/01/10 AMEND: 10020

05/17/10 ADOPT: 12590 REPEAL: 12590

04/29/10 AMEND: 8034, 8035, 8042, 8043

04/13/10 ADOPT: 12350, 12351, 12352, 12353, 12354, 12355 AMEND: 12008, 12335, 12340, 12342, 12343 renumbered as and merged with amended 12342, 12344 renumbered as and merged with amended 12345, and 12348 renumbered as 12346 REPEAL: 12347

04/06/10 ADOPT: 12372, 12395, 12396 AMEND: 12370

03/29/10 AMEND: 1685

03/29/10 AMEND: 1632

03/25/10 AMEND: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10185, 10187, 10188, 10190

03/15/10 ADOPT: 12482

Title 5

06/09/10 AMEND: 19824, 19851, 19854

05/27/10 ADOPT: 80048.8, 80048.8.1, 80048.9, 80048.9.1, 80048.9.2, 80048.9.3 AMEND: 800.46.5, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.3, 80048.4, 80048.6 REPEAL: 80048.2

05/20/10 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736

04/15/10 AMEND: 19816, 19816.1

04/12/10 REPEAL: 40503

04/12/10 AMEND: 42002

02/26/10 AMEND: 19824, 19851, 19854

Title 7

06/21/10 AMEND: 202 REPEAL: 212

Title 8

07/13/10 AMEND: 9789.70

07/01/10 AMEND: 4650, 4797, 4823

06/30/10 AMEND: 10232.1, 10232.2, 10250.1

06/30/10 ADOPT: 17300

06/29/10 ADOPT: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 AMEND: 16421, 16423, 16427, 16428, 16431, 16433, 16500

06/21/10 AMEND: 344.30

06/02/10 AMEND: 1590

05/25/10 AMEND: 1599

05/05/10 AMEND: 3308

04/06/10 AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8

03/24/10 AMEND: 4301

03/10/10 AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B

Title 9

07/07/10 ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)

07/07/10 ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)

05/07/10 REPEAL: 3520

04/28/10 ADOPT: 4350

04/20/10 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533

Title 10

07/12/10 AMEND: 2698.600, 2698.602

07/01/10 AMEND: 2699.200, 2699.201

06/29/10 ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911

06/24/10 AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721

06/09/10 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725

06/01/10 AMEND: 2498.6

05/26/10 AMEND: 2699.6809

05/19/10 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

05/04/10 AMEND: 2699.6625

04/28/10 AMEND: 2318.6

04/28/10 AMEND: 2318.6, 2353.1, 2354

04/28/10 AMEND: 2353.1

04/21/10 AMEND: 2699.202

04/21/10 AMEND: 2699.202

04/13/10 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10

04/12/10 AMEND: 2690

04/06/10 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10

04/01/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2,

1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122

03/29/10 AMEND: 2202, 2203
 03/18/10 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
 02/23/10 ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911
 02/23/10 ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1 (renumbered to 2187.2), 2187.2 (renumbered to 2187.7), 2187.3 (renumbered to 2187.4), 2187.4 (renumbered to 2187.5), 2188, 2188.1, 2188.2, 2188.3, 2188.4, 2188.5, 2188.23 (renumbered to 2188.50(d)), 2188.24 (renumbered to 2188.50(f)), 2188.83 (renumbered to 2188.50(g))

Title 11

06/09/10 AMEND: 1005, 1018
 06/09/10 AMEND: 1005, 1007, 1008
 05/19/10 AMEND: 20
 04/21/10 AMEND: 1084
 03/30/10 AMEND: 1084

Title 13

07/08/10 AMEND: 1141(b)
 06/14/10 AMEND: 440.04
 06/14/10 AMEND: 345.24, 345.40, 345.41, 345.46, 345.50 REPEAL: 345.42
 06/07/10 AMEND: 152.00, 190.03
 05/18/10 ADOPT: 1971.5 AMEND: 1968.2, 1971.1
 04/27/10 AMEND: 1160.3, 1160.4
 04/13/10 AMEND: 1201, 1212, 1213
 04/05/10 ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409
 04/01/10 AMEND: 1961, 1961.1
 04/01/10 AMEND: 1961, 1961.1

03/25/10 AMEND: 2480
 03/04/10 ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14
 03/03/10 AMEND: 423.00
 02/22/10 AMEND: 350.36, 350.38, 350.40, 350.44, 350.46

Title 14

07/12/10 AMEND: 7.50
 06/24/10 AMEND: 360, 361, 362, 363, 364, 555, 708, 713
 06/23/10 AMEND: 919.9, 939.9
 05/26/10 AMEND: 7.50
 05/03/10 AMEND: 820.01
 04/30/10 AMEND: 27.80
 04/27/10 AMEND: 632
 04/20/10 AMEND: 895.1, 914.6, 934.6, 954.6, 1024, 1025, 1026, 1030, 1052, 1052.1, 1052.4, 1092, 1092.01, 1092.09, 1092.29
 03/29/10 ADOPT: 18452.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18456.4, 18457, 18459, 18459.1, 18459.1.2, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18461, 18462, 18463, 18464, 18466, 18831 REPEAL: 18456.2.1, 18460.2.1
 03/10/10 AMEND: 670.5
 02/23/10 AMEND: 1052(a)
 02/18/10 AMEND: 155
 02/16/10 ADOPT: 15064.4, 15183.5, 15364.5 AMEND: 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15183, Appendix F, Appendix G

Title 15

07/13/10 ADOPT: 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504
 07/02/10 ADOPT: 8000, 8001, 8002
 05/25/10 AMEND: 3170.1(g), 3173.2(d)
 05/25/10 AMEND: 3090, 3091, 3093, 3095
 04/26/10 ADOPT: 3720, 3721, 3721.1, 3722, 3723
 02/24/10 AMEND: 7001
 02/16/10 ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565

Title 16

07/09/10 AMEND: 3000, 3003, 3005, 3065 REPEAL: 3006
 07/09/10 AMEND: 411
 07/09/10 AMEND: 3340.42
 07/07/10 AMEND: 3028, 3061
 06/30/10 AMEND: 1355.4
 06/21/10 ADOPT: 1525, 1525.1, 1525.2

06/18/10 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48,
48.1, 48.2, 48.3, 48.5, 48.6
06/07/10 ADOPT: 1702
06/03/10 AMEND: 4180
05/27/10 AMEND: 314
05/20/10 AMEND: 1996.3, 1997
05/19/10 AMEND: 3340.1
05/13/10 ADOPT: 1399.615, 1399.616, 1399.617,
1399.618, 1399.619 AMEND: 1399.571
05/04/10 ADOPT: 4175
04/27/10 AMEND: 1399.152, 1399.153.3,
1399.160.3, 1399.160.4
04/12/10 ADOPT: 3340.36.1
03/29/10 ADOPT: 1355.4
03/16/10 ADOPT: 311.1
03/09/10 AMEND: 1016, 1017 REPEAL: 1016.1,
1017.1
03/08/10 AMEND: 4100
02/24/10 AMEND: 4120
02/22/10 ADOPT: 2262.1 AMEND: 2262
02/18/10 ADOPT: 50.1
02/16/10 ADOPT: 318.1

Title 17

06/29/10 AMEND: 100070, 100090
06/17/10 ADOPT: 95460, 95461, 95462, 95463,
95464, 95465, 95466, 95467, 95468,
95469, 95470, 95471, 95472, 95473,
95474, 95475, 95476, Appendix 1
06/17/10 ADOPT: 95200, 95201, 95202, 95203,
95204, 95205, 95206, 95207 AMEND:
95104
04/15/10 AMEND: 95480.1, 95481, 95486
04/07/10 AMEND: 1031.2, 1031.3

Title 18

06/17/10 AMEND: 25136
05/18/10 ADOPT: 1004, 1032, 1124.1, 1249,
1336, 1422.1, 2251, 2303.1, 2433, 2571,
3022, 3302.1, 3502.1, 4106, 4903
05/13/10 AMEND: 1584
05/13/10 AMEND: 1602.5, 1700
05/11/10 REPEAL: 1525.7
04/14/10 AMEND: 192, 193, 371
03/30/10 ADOPT: 3500 AMEND: 2300, 2401,
3502, 4041, 4500, 4508, 4701, 4702,
4703, 4901
03/19/10 ADOPT: 25101.3 AMEND: 25137-7
03/17/10 AMEND: 1699
03/16/10 AMEND: 312(a)
03/16/10 AMEND: 1597

Title 19

07/13/10 AMEND: 2729.7 and Appendix B of
Article 4

06/17/10 ADOPT: 1054, 1055, 1056, 1057, 1058,
1059, 1060, 1061, 1062, 1063, 1064,
1065, 1066, 1067

Title 19, 26

05/12/10 AMEND: Title 19: 2402, 2407, 2411,
2413, 2415, 2425, 2443, 2444, 2450,
2501, 2510, 2520, 2530, 2540, 2570.2,
2571, 2573.1, 2573.2, 2573.3, 2575.1,
2575.2, 2576, 2576.1, 2577.2, 2577.3,
2577.5, 2577.6, 2577.7, 2577.8, 2578.1,
2578.2, 2578.3, 2703, 2705, 2724,
2729.2, 2731, 2735.1, 2735.3, 2735.4,
2735.5, 2745.1, 2745.10, 2750.2, 2750.3,
2765.2, 2775.6, 2780.1, 2780.2, 2780.3,
2780.4, 2780.6, 2780.7, 2800, 2810,
2815, 2820, 2825, 2830, 2835, 2850,
2855, 2900, 2910, 2915, 2925, 2930,
2940, 2945, 2955, 2965, 2966, 2970,
2980, 2990, Title 26: 19-2510, 19-2520,
19-2530, 19-2540, 19-2703, 19-2705,
19-2724, 19-2731

Title 20

07/08/10 AMEND: 2401, 2402, Appendix,
Subdivisions (a) and (b)

Title 21

06/02/10 AMEND: 1411.1, 1411.7

Title 22

06/24/10 AMEND: 51510, 51510.1, 51510.2,
51510.3, 51511, 51511.5, 51511.6,
51535, 51535.1, 51544, 54501
06/22/10 AMEND: 2706-7
06/17/10 AMEND: 51516.1
05/25/10 AMEND: 66262.44
05/19/10 AMEND: 100159, 100166, 100171
05/18/10 ADOPT: 100102.1, 100103.1, 100103.2,
100106.1, 100106.2, 100107.1 AMEND:
100101, 100102, 100103, 100104,
100105, 100106, 100107, 100108,
100109, 100110, 100111, 100112,
100113, 100114, 100115, 100116,
100117, 100118, 100119, 100120,
100121, 100122, 100123, 100124,
100125, 100126, 100127, 100128,
100129, 100130
05/18/10 ADOPT: 100059.1, 100061.2 AMEND:
100057, 100058, 100059, 100059.2,
100060, 100061, 100061.1, 100062,
100063, 100063.1, 100064, 100064.1,
100065, 100066, 100067, 100068,
100069, 100070, 100071, 100072,
100073, 100074, 100075, 100076,

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100077, 100078, 100079, 100080,
100081, 100082, 100083

05/18/10 ADOPT: 100340, 100341, 100342,
100343, 100343.1, 100343.2, 100343.3,
100344, 100345, 100346, 100346.1,
100347, 100348, 100349

05/18/10 ADOPT: 100202.1, 100206.1, 100206.2,
100206.3, 100206.4, 100208.1,
100211.1, 100214.1, 100214.2, 100214.3
AMEND: 100201, 100202, 100203,
100204, 100205, 100206, 100207,
100208, 100209, 100210, 100211,
100212, 100213, 100214, 100215,
100216, 100217 REPEAL: 100218

05/12/10 ADOPT: 5300, 5400 AMEND: 5002,
5010, 5052, 5055, 5062, 5102, 5105

05/12/10 AMEND: 11-425, 22-001, 22-003,
22-009, 45-302, 45-303, 45-304,
45-305, 45-306

05/06/10 AMEND: 66273.36

04/08/10 AMEND: 50778

04/05/10 AMEND: 4446.5

03/03/10 AMEND: 70055, 70577, 70703, 70706,
70707, 70717, 70749, 70751, 70753,
71053, 71203, 71205, 71503, 71507,
71517, 71545, 71551, 71553, 72091,
72109, 72303, 72311, 72315, 72319,
72337, 72413, 72423, 72433, 72453,
72461, 72471, 72515, 72523, 72525,
72528, 72543, 72547, 73077, 73089,
73301, 73303, 73311, 73313, 73315,
73325, 73329, 73399, 73409, 73449,
73469, 73479, 73489, 73517, 73519,
73523, 73524, 73543, 73547, 79315,
79351, 79637, 79689

02/24/10 ADOPT: 97177.10, 97177.15, 97177.20,
97177.25, 97177.30, 97177.35,
97177.45, 97177.50, 97177.55,
97177.60, 97177.65, 97177.67,
97177.70, 97177.75, 97199.50, 97200
AMEND: 97170, 97172, 97174, 97176,
97178, 97180, 97182, 97184, 97186,
97188, 97190, 97192, 97194
(renumbered as 97199), 97196, 97198

02/23/10 AMEND: 7000

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07/09/10 ADOPT: 87606 AMEND: 87202, 87208,
87212, 87455, 87633

03/04/10 ADOPT: 89475.1, 89475.2 AMEND:
89200, 89201, 89202, 89205, 89206,

89207, 89218, 89219, 89219.1, 89219.2,
89224, 89226, 89227, 89228, 89229,
89231, 89234, 89235, 89240, 89242,
89244, 89246, 89252, 89254, 89255,
89255.1, 89256, 89286, 89317, 89318,
89319, 89323, 89361, 89370, 89372,
89373, 89374, 89376, 89377, 89378,
89379, 89387, 89387.1 renumbered as
89387(h), 89387.2, 89388, 89400,
89405, 89410, 89420, 89421, 89465,
89468, 89469, 89475, 89510.1, 89510.2,
89565.1, 89566, 89569.1, 89572.2,
89587.1 REPEAL: 89245, 89261,
89570.1

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07/12/10 ADOPT: 3929.3
07/12/10 ADOPT: 3919.8
05/20/10 ADOPT: 2910 REPEAL: 2910
03/10/10 AMEND: 3005
03/04/10 ADOPT: 2631.2
02/25/10 ADOPT: 3919.6
02/24/10 ADOPT: 3919.7
02/22/10 ADOPT: 2631.2

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06/11/10 AMEND: 8315
05/25/10 AMEND: 7966, 7970
03/26/10 AMEND: 10001
02/25/10 ADOPT: 6200, 6201, 6202, 6203

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07/13/10 AMEND: 25705(b)
04/09/10 ADOPT: 22100, 22101, 22103, Division
2 Form CalRecycle 114 AMEND: 20164,
21200, 21570, 21640, 21685, 21820,
21840, 21865, 21880, 22102, 22211,
22220, 22221, 22231, 22234, 22245,
22248, Division 2 Appendix 3, Division 2
form Calrecycle 100, Division 2 form
Calrecycle 106
03/10/10 AMEND: 25903

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06/10/10 AMEND: 42-302, 42-712, 42-713
06/02/10 AMEND: 19-005
05/17/10 ADOPT: 31-021 AMEND: 31-003,
31-410, 31-501
05/17/10 AMEND: 44-211
05/10/10 AMEND: 11-425, 22-001, 22-003,
22-009, 45-302, 45-303, 45-304,
45-305, 45-306
02/26/10 ADOPT: 31-021 AMEND: 31-003,
31-410, 31-501