



# California Regulatory Notice Register

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MAY 27, 2011

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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**

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

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT OF INTEREST CODE**

**AMENDMENT**

STATE: Department of Motor Vehicles  
Gambling Control Commission  
MULTICOUNTY: Redwood Empire Schools  
Insurance Group

**ADOPTION**

MULTICOUNTY: Bay Area Clean Air Foundation  
Options for Youth

A written comment period has been established commencing on **May 27, 2011** and closing on **July 11, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section

87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested 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 **July 11, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo,

Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES**

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

**TITLE 5. BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING**

**AMENDMENT TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING ASSIGNMENT OF PUPIL ACCOUNTABILITY RESULTS TO THE SCHOOL AND SCHOOL DISTRICT OF RESIDENCE ACADEMIC PERFORMANCE INDEX (API)**

[Notice published May 27, 2011]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

California Department of Education staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. on July 11, 2011, at 1430 N Street, Room 1103, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

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

Debra Thacker, Regulations Coordinator  
Administrative Support and Regulations Adoption Unit  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 11, 2011. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Authority: Sections 33031 and 52052, Education Code.

Reference: Sections 48300, 51745, 52051, 52052 and 52052.1, Education Code; California Code of Regulations, title 5, sections 1031-1039 (inclusive).

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The SBE proposes to add sections 1039.2 and 1039.3, Article 1.8 to Division 1, Chapter 2, Subchapter 4 of the California Code of Regulations, title 5. These sections govern the assignment of test scores and other accountability results to the Academic Performance Index (API) of a school of residence and to the API of a school district of residence under specified circumstances.

The intent of these proposed regulations is to define the terms and criteria for assigning accountability results to the API of a school or school district of residence and to the API of the alternative education pro-

gram (AEP) school and its local educational agency (LEA) when the pupil was enrolled in an alternative education program.

California Education Code section 52052.1 (added by Senate Bill [SB] 219, Stats. of 2007, c. 731) requires that test scores and other accountability data of enrolled pupils who were referred by the school or school district of residence to an AEP be included in the API of the school and school district of residence to ensure that placement decisions are in the best interests of the affected pupils. The implementation of this requirement was originally contingent upon LEAs receiving a per pupil allocation for implementation of the California Longitudinal Pupil Achievement Data System (CALPADS) prior to the 2010–11 fiscal year. SB 651 (Stats. of 2009, c.197) amended Education Code section 52052.1 by removing the CALPADS funding trigger and made this section of the Education Code operative.

These proposed regulations provide definitions of the following terms within proposed sections 1039.2 and 1039.3:

- “Alternative education program” (AEP) means a school that is eligible for the Alternative Schools Accountability Model (ASAM) pursuant to Education Code section 52052(h) or an independent study program within a school.
- “Continuously enrolled” means a pupil who was continuously enrolled in a school, school district, or county office of education from the first Wednesday in October through the first day of testing of the academic year with no gap in enrollment of more than 30 consecutive calendar days.
- “Correctional or judicial official” includes probation officers.
- “Local educational agency” (LEA) means a school district or county office of education.
- “Other accountability data” means the dropout rate added to the API pursuant to Education Code section 52052.1(a)(3).
- “Referred by the school or school district of residence” may include, but is not limited to, the voluntary transfer of a pupil to an independent study program or to an AEP charter school.
- “School district of residence” means the LEA of the last non–AEP school in which the pupil was enrolled.
- “School of residence” means the last non–AEP school in which the student was enrolled.

- “Test scores” means results of state tests that are included in the API.

These proposed regulations also describe the criteria for assigning test scores and other accountability data to the API of a school or school district of residence:

- The time period that test scores and other accountability data are assigned is each academic year using the same cycle as used in API reporting.
- Test scores of a pupil are assigned to the API of an AEP school or its LEA if the pupil was continuously enrolled in that school or LEA.
- If the pupil was referred by a school and/or school district of residence to an AEP but was not continuously enrolled in that AEP, the pupil’s test scores are assigned to the API of the pupil’s school of residence under either of the following circumstances:
  - (1) The pupil was enrolled in the school of residence at the start of the current year; subsequently enrolled in an AEP; and either stayed at the AEP, returned to the school of residence, enrolled in another AEP school, or dropped out without being continuously enrolled in any school.
  - (2) The pupil was enrolled in an AEP school at the start of the current year; subsequently enrolled in the school of residence for over 30 consecutive calendar days; and either stayed at the school of residence, returned to the AEP, enrolled in another AEP school, or dropped out without being continuously enrolled in any school.
- If the pupil was referred by a school and/or school district of residence to an AEP but was not continuously enrolled in the LEA of the AEP, the pupil’s test scores are assigned to the API of the pupil’s school district of residence under either of the following circumstances:
  - (1) The pupil was enrolled in the school district of residence at the start of the current year; subsequently enrolled in the LEA of the AEP; and either stayed at the LEA of the AEP, returned to the school district of residence, enrolled in another LEA of an AEP school, or dropped out without being continuously enrolled in any LEA.
  - (2) The pupil was enrolled in the LEA of the AEP at the start of the current year; subsequently enrolled in the school district of residence for over 30 consecutive calendar days; and either stayed at the school district of residence, returned to the LEA of the AEP, enrolled in another LEA of an

AEP school, or dropped out without being continuously enrolled in any LEA.

- Other accountability data (i.e., the dropout rate pursuant to Education Code section 52052.1(a)(3)) shall be assigned to the API of a pupil's school or school district of residence if the pupil was referred and enrolled in the AEP for fewer than 125 consecutive calendar days. If the pupil was referred and enrolled in the AEP for 125 consecutive calendar days or more, this other accountability data shall be assigned to the API of a pupil's AEP school and its LEA.
- If a pupil was referred to an AEP by a juvenile court judge, or other correctional official, or expelled pursuant to Education Code section 52052.1(a)(1), enrolled in that AEP, but not continuously enrolled in any school or LEA, the pupil's test scores shall not be assigned to any API. However, the pupil's other accountability data shall be assigned to the API of the school or school district of residence if the pupil was enrolled in the AEP school or its LEA for fewer than 125 consecutive calendar days. If the pupil was enrolled in the AEP school or its LEA for 125 consecutive calendar days or more, the pupil's other accountability data shall be assigned to the API of the AEP or its LEA.

#### INCORPORATED BY REFERENCE

The Alternative Schools Accountability Manual and the Alternative School of Choice and Charter School Application (revised 11/2010) are hereby incorporated by reference and can be found at <http://www.cde.ca.gov/ta/ac/am/documents/altapplication.doc>.

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

*The SBE has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to state agencies: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary cost or savings imposed on local educational 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 person or businesses: The SBE 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.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to schools and school districts and not to small business practices.

#### CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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. The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Meredith Babcock–Roberson, Education Programs  
Consultant

Evaluation, Research, and Analysis Unit

California Department of Education

1430 N Street, Suite 4202

Sacramento, CA 95814

Telephone: 916–319–0423

E–mail: [mbabcock@cde.ca.gov](mailto:mbabcock@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Regulations Analyst, at 916–319–0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND  
CORRESPONDING DOCUMENTS

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 upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

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

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY  
INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Meredith Babcock-Roberson, Education Programs Consultant, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0423. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 5. SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

**NOTICE OF PROPOSED RULEMAKING**

AMENDMENT TO THE CALIFORNIA CODE OF  
REGULATIONS, TITLE 5  
REGARDING WORK PERMITS

[Notice published May 27, 2011]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objec-

tions, or recommendations regarding the proposed action.

**PUBLIC HEARING**

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. on July 11, 2011, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

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

Debra Thacker, Regulations Coordinator  
Administrative Support and Regulations Adoption  
Unit  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 11, 2011. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Sections 49110, 49114, 51760 and 51762, Education Code; Section 1299, Labor Code; and 29 C.F.R. Section 570.5.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

California Education Code section 49114 states the person authorized to issue permits to work or to employ may issue to any minor a certificate of age when the minor accompanied by his parent, guardian, or other person in control or charge of the minor, presents to the authority, the evidence of age specified in this chapter. The certificate of age shall serve as a permit to employ a minor who is not by law required to attend school, and who is otherwise required to hold a permit to work. The Statement of Intent to Employ A Minor and Request for Work Permit/Certificate of Age (CDE Form B1-1, revised 07-10) as a Certificate of Age can be found at <http://www.cde.ca.gov/ci/ct/we/>. This is necessary to identify the form which shall serve as a permit to employ a minor who is not by law required to attend school, and who is otherwise required to hold a permit to employ.

The proposed regulations will also clarify work permit requirements pertaining to minors in unpaid training, volunteer, or in-school placement positions. This is necessary to define California minors who are not required, according to the Fair Labor Standards Act (FLSA), to obtain a work permit. This proposed regulation clarifies when a Permit to Employ and Work are not required.

DISCLOSURES REGARDING THE  
PROPOSED REGULATION

*The SBE has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to state agencies: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary cost or savings imposed on local educational 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 person or businesses: The SBE 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.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to schools and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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.

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

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Kimberly Born, Education Program Consultant  
High School Transformation Unit  
California Department of Education  
1430 N Street, Suite 4503  
Sacramento, CA 95814  
Telephone: 916-319-0480  
E-mail: [kborn@cde.ca.gov](mailto:kborn@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS  
AND INFORMATION

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



TEXT OF PROPOSED REGULATION AND  
CORRESPONDING DOCUMENTS

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 upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

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

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

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY  
INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Kimberly Born, Education Program Consultant, 1430 N Street, Suite 4503, Sacramento, CA 95814; telephone, 916-319-0480. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 12. DEPARTMENT OF  
VETERANS AFFAIRS**

**CALIFORNIA CODE OF REGULATIONS  
TITLE 12, MILITARY AND  
VETERANS AFFAIRS  
DIVISION 2, DEPARTMENT OF  
VETERANS' AFFAIRS  
CHAPTER 4, VETERANS' HOME  
OF CALIFORNIA  
SUBCHAPTER 1. ADMINISTRATION  
AMENDMENT TO SECTION 506**

**NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CDVA) proposes to take the regulatory action described in the Informative

Digest after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

A public hearing concerning the proposed regulatory action has not been scheduled, but any interested person or his or her duly authorized representative may request a public hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD**

NOTICE IS GIVEN that any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Department of Veterans Affairs  
Office of the Chief Counsel  
1227 O Street, Suite 306  
Sacramento, California 95814  
Attention: Vasilios Spyridakis

Comments may also be submitted to Vasilios Spyridakis (contact person) by facsimile to (916) 653-2454 or by e-mail to: [vasilios.spyridakis@cdva.ca.gov](mailto:vasilios.spyridakis@cdva.ca.gov). Comments must be submitted prior to 5:00 p.m. on July 15, 2011.

Following the comment period, the CDVA may thereafter adopt the proposals substantially as described in the Informative Digest or may modify the proposals if the 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 the contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Section 1044 of the California Military and Veterans Code authorizes the CDVA to adopt the proposed amendment to the regulation. The amendment implements, interprets, and makes specific the term "income" as it appears in section 1012.3 of the California Military and Veterans Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The California Department of Veterans Affairs ("CDVA") operates several Veterans Homes for aged

and disabled California veterans. Military and Veterans Code Section 1012.3 establishes a monthly fee for residency in these Homes based on a percentage of the resident's income, but fails to define "income" in this context.

This rulemaking action implements, clarifies and makes specific the meaning of the term "income" as it appears in Military and Veterans Code section 1012.3. The purpose of the proposed amendment is to provide a definition of "income" specifying which pecuniary sources are factored in its calculation, thereby enabling residents in the Veterans Homes to better predict their fees. There are no comparable provisions of federal law related to this proposal.

#### LOCAL MANDATE

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

#### COSTS OR SAVINGS TO STATE AGENCIES

This proposal does not result in any costs or savings to state agencies.

#### FISCAL IMPACT ESTIMATES

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

#### NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES

This proposal does not impose nondiscretionary costs or savings on local agencies.

#### COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE

This proposal will not impose costs or savings in federal funding to the state.

#### BUSINESS IMPACT/SMALL BUSINESSES

Pursuant to section 11346.5, subdivision (a)(8) of the California Government Code, the CDVA has made an initial determination that the proposed regulatory ac-

tion 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 proposal does not affect small businesses as defined by Government Code section 11342.610. The determination that the proposal would not affect small businesses is based upon the fact that the proposal's primary purpose is to define the term "income" upon which Home residency fees are based. Accordingly, its impact is limited to residents of the Veterans Homes.

#### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

Pursuant to section 11346.3, subdivision (b), of the California Government Code, the CDVA has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

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

#### EFFECT ON HOUSING COSTS

None.

#### ALTERNATIVES CONSIDERED

The CDVA must determine that no reasonable alternative it considered or otherwise identified would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome for affected private persons than the proposed action. The CDVA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a public hearing if one is held.

#### CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation amendment and written comments may be directed to: Chief Counsel Robert Wilson, California Department of Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 654-7022 or Staff Counsel Vasilios Spyridakis, California Department of

Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 653-1406.

**TITLE 14. FISH AND GAME COMMISSION**

**INITIAL STATEMENT OF REASONS AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the text of the proposed amendment and of the initial statement of reasons, along with all information upon which the proposal is based, may be obtained upon request from the California Department of Veterans Affairs at 1227 O Street, Suite 306, Sacramento, CA 95814. These documents may also be viewed and downloaded from the CDVA website at <http://www.cdva.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact persons named above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the CDVA may adopt the proposed regulation substantially as described in this notice. If the CDVA 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 CDVA adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Chief Counsel Robert Wilson at the address indicated above. The CDVA will accept comments on the modified regulations for 15 days after the date on which they are made available.

**WEBSITE ACCESS**

Materials regarding this proposal can be found at <http://www.cdva.ca.gov>.

**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, 220, 316.5, 5508 and 5509, of said Code, proposes to amend Sections 2.10, 7.50(b)(1.5), 27.65 and 29.80, Title 14, California Code of Regulations, relating to sport fishing regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**Section 2.10 Hook and Weight Restrictions**

Under current regulation Section 2.10(b)(2) of Title 14, CCR states "It is unlawful to use any hook which is directly or indirectly attached closer than 18 inches to any weight exceeding 1/2 ounce."

In the section of the San Joaquin River from State Highway 140 in Merced County downstream to Airport Way Road in San Joaquin County, there is an annual problem with the illegal take of White Sturgeon. The illegal method of take deals with anglers taking spawning sturgeon by impaling the fish with large hooks. The method of take is commonly referred to as snagging. The snagging activity occurs when the White Sturgeon migrate up the San Joaquin River between February to May of each year. The San Joaquin River located between State Highway 140 to Airport Way Road is shallow, narrow and slow moving. As a result of this, sturgeon is easy prey for illegal take. Restricting the type of gear used in this area will allow for legal and routine fishing while eliminating the techniques that are typically used to illegally take the sturgeon. The preferred method of take by a select group of anglers involves the use of excessively heavy weights and maximum hook sizes. The weight used by these anglers is typically 8 oz. to 1 1/2 pounds in weight. It may vary in a small range by the depth and speed of the river. It must be stressed that the San Joaquin River is very narrow in this area. In much of the area, it is less than twenty-five yards wide. The weight is attached to the bottom of heavy line such as 200-pound test double braided fishing line. Located above the weight there are up to three hooks, indirectly and/or directly attached to the line. The methodology in using this equipment requires the anglers to closely attend their lines. The fishing line is maintained in a very

taut manner where the line has no bow or slack. This is why the weight must be so heavy. Moreover, because the river is so shallow, the line passes through the river at a very shallow angle, allowing the majority width of the river to have a line strung across it. As a sturgeon swims past the line, the fish will bump or scrape along the fishing line. Once the anglers feel the bump on the taut line, they will pull back violently on the line and then run up the bank of the river dragging the weight and hooks through the water. The weight keeps the line and hooks firmly against the side, back or belly of the sturgeon. The hooks eventually travel to the body of the sturgeon and penetrate deeply into the fish. Since the fish has not voluntarily taken the hook by mouth, it is an illegally taken fish and must be released. Even if released, which the majority are not, the fish now has a deep gash in the body from the large hook. Unfortunately, many of the anglers using this technique fish in this section of the San Joaquin River for days and weeks at a time when the White Surgeon area moving up river to spawn. Closing the river would not deter the take of the sturgeon. In addition, it would restrict and eliminate the ability of otherwise lawful angling activity. By placing a gear restriction on this section of the river, it would eliminate the use of the heavy weights and large hook technique described above, yet allow for legal angling activity in the area. The proposed regulation change would help eliminate this type of angling activity and prevent numerous sturgeon from being snagged in this illegal manner.

Sturgeon report cards turned into the Department have shown that there have been green sturgeon caught in this general area of the San Joaquin River. One angler reports he caught a total of five green sturgeon in this area of the river during the combined 2009 and 2010 report card periods. It is not specifically known how often green sturgeon are snagged in this area using this type of illegal fishing.

By placing a gear restriction on this stretch of river, it will assist in limiting snagging activity as well as help protect both green and white sturgeon that spawn in the area.

**Section 7.50(b)(1.5) Alameda Creek**

Subsection 7.50(b)(1.5) has a year round closure for all species for Alameda Creek and tributaries downstream of San Antonio, Calaveras and Del Valle reservoirs. The Alameda Creek tributaries upstream of San Antonio, Calaveras, and Del Valle reservoirs are open to catch and release fishing for trout from the last Saturday in April through November 15 and only artificial lures with barbless hooks may be used.

During the Commission’s February 2010 meeting’s public forum, an angler requested the Commission allow catch and release fishing for bass and catfish in the ponds in the Arroyo Del Valle adjacent to East Bay Regional Parks District’s Shadow Cliffs Recreational Area in Pleasanton. These ponds were closed all year to all fishing effective March 1, 2010 to increase protection for the anadromous steelhead in the lower Alameda Creek watershed. The ponds are separated from the main creek channel by a gravel bar covered with dense bulrush and cattails. The Arroyo Del Valle stream flow could mix with these ponds during high flood events.

These ponds are a fairly popular bass and catfish fishing location and are important recreational fishing access within the greater Shadow Cliffs Recreational Area. At this time, no steelhead or trout are found in these ponds.

The Department believes allowing catch and release fishing in this location is highly unlikely to impact any salmonids.

The Department proposes opening up the portion of the Arroyo Del Valle adjacent the Shadow Cliffs Regional Recreation Area to catch-and-release fishing with artificial lures with barbless hooks only.

Subsection 7.50(b)(1.5) will still have a year round closure for all species for Alameda Creek and tributaries downstream of San Antonio, Calaveras and Del Valle reservoirs with the following exception:

- 1) Arroyo Del Valle between Bernal Avenue and the Thiessen Street intersection with Vineyard Avenue will remain open all year to catch and release fishing to allow access to the non-salmonids species.

There are no proposed changes for the Alameda Creek tributaries upstream of San Antonio, Calaveras, and Del Valle reservoirs.

**Section 27.65 Filleting of Fish on Vessels**

Currently subsection 27.65(b)(10), Title 14, CCR states “All other species except those listed in subsection (c) of this section: Each fillet shall bear intact a one inch square patch of skin. The fillets may be of any size.”

Subsection 27.65(c), Title 14, CCR states “No person shall fillet on any boat or bring ashore as fillets the following fish: cabezon, greenlings of the genus Hexagrammos, salmon, striped bass, sturgeon, and any species of flatfish except California halibut may be filleted or brought ashore as fillets south of Point Arena (Mendocino County).”

There is currently no specified filet size limit for Leopard Shark which has a size limit of 36 inches, California Sheephead which has a size limit of 12 in-

ches and Redtail Surfperch which has a size limit of 10 1/2 inches.

Subsection 27.65(b)(10) allows for the filleting of Leopard Shark, CA Sheephead, and Redtail Surfperch on a vessel as long as one inch skin patch is attached and the fillets may be of any size. The legal overall size limit for these species is unenforceable once filleted on a boat or on shore since there is no legal filet size specified in regulations.

Wardens in the field are issuing numerous citations to subjects taking undersize leopard sharks in San Francisco Bay. Under current regulations, undersize leopard sharks are being taken illegally and filleted to avoid detection of the undersized fish by Game Wardens. The same problem exists for Sheephead and Redtail Surfperch.

Wardens are expressing frustration over these regulations when they find filleted leopard shark on a vessel and can not determine if the shark was a legal size. Wardens are finding an increasing number of filleted leopard shark on vessels and increasing knowledge by anglers of the loophole in the regulations. Wardens have issued citations to anglers for violation of Fish & Game Code Section 5508 when they find filleted Leopard Shark, Redtail Surfperch and Sheephead. Fish and Game Code section 5508 states it is unlawful to possess on any boat or to bring ashore any fish upon which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined. Unfortunately when a person goes to court and points out subsections 27.65(b)(10) and (c), the cases are dismissed due to the loop hole in the regulations.

Anglers are expressing confusion over the regulations as well as some have been issued citations for Section 5508, Fish & Game Code, yet they were following the 27.65 regulations in the Ocean Sport Fishing Regulation handbook.

The Department's legal office has determined that Section 5508, Fish & Game Code and Section 27.65, Title 14, CCR are in conflict and Section 27.65, Title 14, and needs to be amended to protect species with size limits. Wording needs to be added to Section 27.65 stating, unless there is a fillet, chunk, or steak size limit for a fish with an overall size limit, that fish may not be steaked, chunked or filleted aboard a vessel.

### **Section 29.80 Gear Restrictions**

In 2010 this section was changed so there could be a legal definition for a hoopnet. The definition included two types of hoopnets to include the traditional style hoopnet as well as a new style hoopnet on the market that was more rigid where the top ring of the hoopnet sat above the bottom ring supported by solid arms. The reg-

ulation specified that no more than four arms could be used to support the upper ring. After the regulation was approved by the Office of Administrative Law, the public started calling and complaining about the hoopnet definition and said that there are two current manufactured hoopnets that specifically have five and six rigid arms that support the top ring of the net.

Further research confirmed there are currently at least three types of hoopnets commercially manufactured that have support arms which support the top ring of the hoopnet. The number of arms used to support the top ring of the hoopnets varies from four to six. These hoopnets are manufactured by Promar and Danielson companies. According to a representative from one the companies, the added rigid arms make the hoopnet more of a sturdy design and therefore the hoopnet will hold up better in detrimental conditions. The added support arms do not assist in making the hoopnet any more efficient in taking crab or lobster.

Changing the wording in the hoopnet definition to allow the Type B hoopnet to have up to six support arms, will allow the existing manufactured hoopnets on the market to be used by the public without increasing the take efficiency of the currently described hoopnet.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lexington Plaza Waterfront Hotel, Stockton, California, on Thursday, June 30, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the State of California Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, August 4, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 25, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 25, 2011. All comments must be received no later than August 4, 2011, at the hearing in Ontario, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the

above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Jon Snellstrom at the preceding address or phone number. **Scott Barrow, Department of Fish and Game, (916) 445-7600, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

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

7.50(b)(1.5) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes will offer

more fishing opportunities with no adverse economic impacts.

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

29.80 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. By changing the support arms from 4 to 6 these regulations will actually make available additional hoop nets that are already produced, but currently not legal to use.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California.  
None.
- (c) Cost Impacts on Private Persons.  
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.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.  
None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies.  
None.
- (f) Programs Mandated on Local Agencies or School Districts.  
None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.  
None.
- (h) Effect on Housing Costs.  
None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying

out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 14. FISH AND GAME COMMISSION**

**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, 220, 316.5, 5508 and 5509, of said Code, proposes to amend Sections 671.1 and 703, and add Section 671.8, Title 14, California Code of Regulations, relating to Inspection of Facilities for Restricted Species.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing regulations specify the conditions under which an individual or entity can lawfully possess restricted species in California. The proposed regulatory change completes the modifications needed in regulation to comport with AB 820 (Statutes of 2005) (now sections 2116–2195 Fish and Game Code). The statute

and consequent regulations are intended to implement a more comprehensive, self-sustaining, self-funded program for inspection and monitoring of facilities in California.

There is a provision in regulation that essentially delegated Department authority for facility inspections to veterinarians in some cases and resulted in waived fees to permit holders. The Department has determined that the authority needs to be with the Department and that the Department still had incurred costs/expenses even when a veterinarian exercised the approval.

Fish & Game Code section 2150.2 explicitly requires that the inspection program be self-funding. To conform to this requirement, the Department must eliminate the veterinarian “fee waiver” provision. Because the Department is obligated to conduct its own inspections under Fish & Game Code section 2150.4 regardless of whether or not a veterinarian also inspects the animals, the fee waiver would cause the Department to conduct inspections without receiving any compensation; were the Department to do so, the program would not be self-funding.

The Department has assessed the anticipated costs to implement this inspection program and based on cost-calculations, has estimated an average annual cost per permit (Table 1). The \$670 annual inspection fee is to cover the costs of implementing the legislation and regulation through hiring of two environmental scientists and a half-time office assistant.

**Table 1. Estimated Average Inspection Costs for Restricted Species Permits (assumes 320 permits/year and excluding fish/aquaculture permits)**

<i>200 mile round trip (estimated average) from duty station to permit facilities and return</i>		
Inspection time <sup>1</sup>	2 hrs.	\$105
Vehicle travel costs <sup>2</sup>	200 miles	\$100
Lodging and meals <sup>3</sup>	Estimated that 1/3 of trips will require trips overnight travel (average cost)	\$47
Travel time <sup>4</sup>	4 hrs.	\$210
Staff time and vehicle costs total		\$462
Dept. overhead (20.43%)		\$116
Fixed annual DFG costs (Office rent, Technology support) <sup>5</sup>		\$52
One time fees — averaged over 5 year phase-ins <sup>6</sup>		\$40
<b>Total Cost</b>		<b>\$670</b>

**Comprehensive estimated cost for each inspection assuming an average 200 mile roundtrip = \$670**

<i>Hourly Inspection Fee (applies to additional hours and represents average cost estimate whether the Department respondent is in a scientist classification or Law Enforcement classification)</i>														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Inspection time<sup>7</sup></td> <td style="width: 20%;">1 hr.</td> <td style="width: 30%; text-align: right;">\$60.00</td> </tr> <tr> <td colspan="2">Staff time total</td> <td style="text-align: right;">\$60.00</td> </tr> <tr> <td colspan="2">Dept. overhead (20% rounded)</td> <td style="text-align: right;">\$12.00</td> </tr> <tr> <td colspan="2"><b>Total Cost per hour</b></td> <td style="text-align: right;"><b>\$72.00</b></td> </tr> </table>	Inspection time <sup>7</sup>	1 hr.	\$60.00	Staff time total		\$60.00	Dept. overhead (20% rounded)		\$12.00	<b>Total Cost per hour</b>		<b>\$72.00</b>		
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<b>Estimated cost for an extra hour of inspection time = \$72</b>														
<i>One-time costs required to establish inspection team</i>														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Vehicles (2)</td> <td style="width: 30%;"></td> <td style="width: 20%; text-align: right;">\$50,000</td> </tr> <tr> <td>Computers, Desks, Equipment</td> <td></td> <td style="text-align: right;">\$15,000</td> </tr> <tr> <td colspan="2"><b>Total Cost</b></td> <td style="text-align: right;"><b>\$65,000</b></td> </tr> </table>	Vehicles (2)		\$50,000	Computers, Desks, Equipment		\$15,000	<b>Total Cost</b>		<b>\$65,000</b>					
Vehicles (2)		\$50,000												
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<b>Total Cost</b>		<b>\$65,000</b>												
<b>Estimated One-time Costs to Implement Regulations (averaged in on a per inspection cost over five years and assuming 320 inspections/yr) = \$65,000</b>														
<p>Footnotes</p> <ol style="list-style-type: none"> <li>1) Salary estimates derived from 2 ES positions (\$42.28/hr and 1 1/2-time OA (\$10.24/hr).</li> <li>2) Vehicle costs based 50 cents per mile for vehicles.</li> <li>3) Lodging &amp; meals based on estimate that 1 of 3 trips will be distant enough to require overnight travel.</li> <li>4) Travel time based is estimated considering travel in Southern California as well as N. California.</li> <li>5) Fixed costs are \$6,000/py/yr for office rent and \$750/py/yr for Technology support (x 2.5 py) \$16,865/yr.</li> <li>6) One-time costs to Implement Regulations (averaged in on a per inspection cost over five years and assuming 320 inspections/yr).</li> <li>7) Does not include administrative cost of Office Asst. position which is assumed to be the same for each inspection regardless of duration.</li> </ol>														

Permitted individuals and facilities for restricted species occur throughout the state. Currently, the Department has approximately 320 permitted facilities that would require inspection. The Department estimates that 2.5 new positions (two Environmental Scientists (ES) for 160 inspections and reports each (one northern California, one Southern California); and one 1/2-time Office Assistant (OA) for compiling records and maintaining databases) could handle the workload. Estimated total costs for these positions is currently \$87,274/yr for each ES; and \$21,150/yr for the half-time OA, not including operating costs. Administrative costs would be borne by the Department at the estimated overhead rate of 20.43%. Department office rental costs are currently \$6,000/position, \$750/yr for technology support (emails, Internet, etc.) or \$15,000/yr for this proposal. Operating costs consisting of training, two vehicles, computers/desks, inspection equipment, vehicle maintenance, fuel, and travel costs are approximately \$1,000/month per field position. One time costs for computers, vehicles, etc. would total approximately \$65,000.

Monthly vehicle rentals from the State garage are approximately \$700/mo in addition to added cost of staff time to pick up and drop off. With the current number of permit inspections the cost to the department for

state garage vehicles would annually exceed \$16,800; or \$84,000 prorated to five years. Additionally, these employees will have full-time jobs traveling daily for inspections around the state. Use of private cars would be also an expensive alternative for the state at >0.50 cents a mile. Therefore the best financial solution for transportation will be to purchase two state-owned vehicles at a five-year prorated total of \$50,000; or \$10,000 annually.

Existing regulations specify fees for the permitted activities of possession of restricted species and activities that may be undertaken with them. The proposed regulatory changes will establish fees for inspection of restricted species facilities including clarifying the aquaculture and fish species facilities inspections.

The proposed regulatory change additionally clarifies the type of permit(s) required to enable a permit holder to sell restricted species.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lexington Plaza Waterfront Hotel, Stockton, California, on Thursday, June 30, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, rele-



vant to this action at a hearing to be held in the State of California Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, August 4, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 25, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 25, 2011. All comments must be received no later than August 4, 2011, at the hearing in Ontario, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Jon Snellstrom at the preceding address or phone number. **Dr. Eric Loft, Department of Fish and Game, (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

**Impact of Regulatory Action**

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

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

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

Considering the small number of permits issued over the entire state, this proposal is economically neutral to business in general. As the number of permitted persons is so small (approximately 300-320 in all of California) there will be cost impacts that a representative private person or business who is among the 300-320 permittees would necessarily incur in reasonable compliance with legislative requirements directing this proposed action. Fish and Game Code Section 2150.2 states the Department “shall establish fees. . . in amounts sufficient to cover the costs. . .”. These costs would occur in applying for an inspection to house restricted wild animals and subsequent maintenance if deficiencies are found. Part of the reason that costs/person are at the proposed levels are because of the relatively small number of permittees and the high amount of Department staff time needed for reviewing/approving applications and/or conducting inspections.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California.

Due to the limited number of permittees, the impacts are expected to be minimal but are unknown at this time.

- (c) Cost Impacts on Private Persons.

There will be cost impacts that a representative private person conducting business and who is among the 300–320 permittees would necessarily incur in reasonable compliance with legislative requirements directing this proposed action.

- (d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.**  
Costs to the State for application reviews, processing, issuing permits, maintaining databases, inspections, development and maintenance of a mammal registry, and other administrative or enforcement costs are intended to be revenue neutral by being offset through an appropriate fee structure.
- (e) **Other Nondiscretionary Costs/Savings to Local Agencies.**  
None.
- (f) **Programs Mandated on Local Agencies or School Districts.**  
None.
- (g) **Costs Imposed on Any Local Agency or School District that are Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.**  
None.
- (h) **Effect on Housing Costs.**  
None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

**TITLE 16. BOARD OF OPTOMETRY**

**NOTICE IS HEREBY GIVEN** that the Board of Optometry (hereafter “Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice must be received by the Board at its office not later than

5:00 p.m. on July 11, 2011 or must be received by the Board at the hearing.

A hearing in this matter has been scheduled for July 11, 2011 from 10:00 a.m. to 12:00 p.m., in the Yosemite Room, at 2420 Del Paso Road, Sacramento, California 95834. All interested parties will be heard at that time.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text with the exception of technical or grammatical changes. The full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written 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 Sections 144, 651, 3010.1, 3024, 3025 and 3025.5 of the Business and Professions Code, and to implement, interpret or make specific Sections 651, 3025, 3110, 3010.5 and 3078 of said Code, and Section 11105 of the Penal Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Amend sections 1513, 1514 and 1525.1.

Pursuant to Business and Professions Code (BPC) section 3025 the Board may promulgate rules and regulations governing procedures of the Board, the admission of applicants for examination for certificates of registration as optometrists, and the practice of optometry.

1513. Registered Name Only and 1514. Renting Space From and Practicing on Premises of Commercial (Mercantile) Concern

According to BPC section 651, it is unlawful for an optometrist to disseminate any information that is false or misleading in connection with their professional practice or business. Any person that violates this restriction is guilty of a misdemeanor which could result in the loss of their license to practice optometry.

The proposed amendments to the regulation are non-substantive and would further clarify the use of an optometrist’s name in advertising and that signage is required at commercial/mercantile locations.

1525.1. Fingerprint Requirements

BPC section 144 requires the Board’s licensees who have not been fingerprinted as a condition of licensure to furnish to the agency a full set of fingerprints for the purposes of conducting criminal history record checks

by the Department of Justice and the Federal Bureau of Investigation.

The proposed amendments to the regulation would further clarify which licensees are required to submit fingerprints during the license renewal process.

#### FISCAL IMPACT ESTIMATES

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

Non-discretionary Cost/Savings to Local Agencies: None.

Local Mandate: None.

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

Business impact: None.

The Board of Optometry 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.

There are no costs associated with the proposed regulatory action. The proposed amendments only clarify the fingerprint requirements that licensees need to meet in order to maintain their license in active status, and how a licensee must advertise in order to stay in compliance with the Board.

#### **AND**

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Board of Optometry has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. The proposed amendments to the regulation are only clarifying what

is required of optometrists in order to remain in compliance with the Board.

#### CONSIDERATION OF ALTERNATIVES

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

Any interested person may present written statements relevant to the above determinations to the Board of Optometry at the address referred to below.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California 95834, or from the Board of Optometry web-site at [www.optometry.ca.gov](http://www.optometry.ca.gov).

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

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

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

#### CONTACT PERSON

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

Name: Andrea Leiva  
Policy Analyst  
Address: 2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
Telephone Number: (916) 575-7182  
Fax Number: (916) 575-7292  
E-mail Address: [andrea.leiva@dca.ca.gov](mailto:andrea.leiva@dca.ca.gov)

The backup contact person is:

Name: Mona Maggio  
Executive Officer  
Address: 2420 Del Paso Road, Suite 255  
Sacramento, CA 95834  
Telephone Number: (916) 575-7176  
Fax Number: (916) 575-7292  
E-mail Address: [mona.maggio@dca.ca.gov](mailto:mona.maggio@dca.ca.gov)

Optometry Board web-site access: Information regarding this proposal can be found at [www.optometry.ca.gov](http://www.optometry.ca.gov), click on "Laws and Regulations", then "Proposed Regulations".

## **TITLE 16. BOARD OF PHARMACY**

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on July 11, 2011.

The board will conduct a hearing on this matter at 1625 N. Market Blvd., First Floor Hearing Room, Sacramento, 95864, at 10:00 a.m. on July 27, 2011. At that time, any person interested may present statements or arguments orally or in writing relevant to the action proposed.

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

Authority and Reference. Pursuant to the authority vested by Section 4005 of the Business and Professions Code, and to implement, interpret or make specific Sections 733, 4005, 4075.4, 4076, 4122 of the Business and

Professions Code, and Section 1707.5 of Title 16 of the California Code of Regulations, the Board of Pharmacy is proposing to add section 1707.6 and to amend 1707.2 of Division 17 of Title 16 of the California Code of Regulations as follows:

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

The Board of Pharmacy ("board") proposes to amend Section 1707.2 and add Section 1707.6 to Article 2 of Division 17 of Title 16 of the California Code of Regulations ("CCR") for the purpose of revising and recasting the "Notices to Consumers" that are required to be available in all California pharmacies. Existing law at Business and Professions Code Section 4122 requires every pharmacy to prominently post in a conspicuous place and readable by prescription drug consumers a notice that is produced and provided by the board. That section describes the general content areas of the notice and requires the board to adopt the wording of the notice by regulation. The board currently produces and distributes two "Notices to Consumers" — the contents of which are specified in 16 CCR Section 1707.2(f) and (g). The notices are produced and printed by the Board of Pharmacy and are distributed to pharmacies at no cost to the pharmacy. The notices are also available on the Board of Pharmacy's Web site in a portable document format (PDF).

Proposed amendments to Sections 1707.2(f) and (g) would consolidate existing consumer notices and move all requirements for consumer notices into one new proposed Section at 1707.6. Specifically, the existing regulations provide notice to consumers about the availability of prescription price information, the possibility of generic drug product selection, and talking to a pharmacist so that the patient can thoroughly understand how to take their medication(s) appropriately. This proposed regulation would revise or re-phrase this information and would place those notices in a new section at 1707.6(b).

Existing regulations at 16 CCR Section 1707.2(g) specify the content of a second "Notice to Consumers," which includes notice of a patient's rights concerning medicine and devices that are prescribed to them and the right to have their prescription(s) returned to them or transferred to another pharmacy if the pharmacy is unable to fill the prescription. This proposed regulation would revise or re-phrase this information and would place this notice in a new section at 1707.6(b).

Existing law sets forth the requirements for a prescription drug container label for any drug dispensed to a patient in California (Business and Professions Code section 4076). On January 1, 2011, the board's regulation at Title 16, California Code of Regulations (CCR)

Section 1707.5 became effective. This regulation established requirements for a patient-centered prescription drug container label, to include minimum font size for some items on a prescription drug container label, the format of the prescription drug container label, a patient's right to receive oral language interpretive services, and other requirements. The regulation also specifies that a patient can request that the pharmacy provide them with a prescription drug container label that has larger (12-point) font on the label (as an alternative to the minimum 10-point font) for specific "patient-centered" items on the label. However, current law does not require pharmacies to post notices to consumers informing consumers of their rights under this newly adopted regulation. This proposal would implement such a requirement.

Existing regulations from subdivisions (a) through (e) at Section 1707.2 of Title 16 of Division 17 of the California Code of Regulations specify a pharmacist's duty to consult a patient or the patient's agent. This proposal does not modify existing requirements regarding a pharmacist's duty to consult.

Specifically, this proposed regulation would add Section 1707.6 to Article 2 of Title 16 of Division 17 of the California Code of Regulations. Subdivision (a) of the proposed regulation would specify that every pharmacy shall prominently post in a place conspicuous to and readable by a prescription drug consumer a notice, as specified, unless the pharmacy receives approval from the Board of Pharmacy to display the content in another format or display methodology. This subdivision would delegate the board's authority to approve such formats or methodologies to the Executive Officer or to a committee of the board. Further, and as an alternative to displaying a printed version of the notice provided by the board, the proposed regulation authorizes a pharmacy to display the notice on a video screen, so long as the video screen is in a place that is conspicuous to and readable by prescription drug consumers. This proposed regulation specifies the minimum size of the video screen; requires that the video image of the board's notice be displayed; the length of time that the notice shall be displayed on a video screen, and the maximum amount of time that may lapse between the final screen of the notice, and the time that the notice re-displays.

As described above, this proposed regulation would add Section 1707.6 subdivision (b) to specify the content of the Notice to Consumers that shall be developed by the board and made available to pharmacies. This subdivision incorporates the requirements of Business and Professions Code Section 4122(a).

This proposed regulation would add Section 1707.6 subdivision (c) to require that a pharmacy post or provide to a prescription drug consumer a notice regarding the consumer's right to interpreter services upon re-

quest, at no cost to the consumer. This proposed regulation specifies that the text of the notice be repeated in at least 12 languages (Arabic, Armenian, Cambodian, Cantonese, Farsi, Hmong, Korean, Mandarin, Russian, Spanish, Tagalog, and Vietnamese) and positioned in a manner so that a consumer can easily point to and touch the statement identifying the language in which he or she is requesting assistance. The proposed regulation would require a pharmacy to use a standardized notice that is made available by the Board of Pharmacy, unless the pharmacy has received the board's approval to display the notice in another format or display methodology. The proposed regulation would delegate the board's authority to approve such formats or methodologies to the Executive Officer or to a committee of the board. As proposed, if the pharmacy wishes to use a flyer or hand-out notice, the regulation would specify the minimum size of the flyer or handout to be at least 8 1/2 inches by 11 inches, and that it shall be clearly visible to and kept within easy reach of each pharmacy counter where dangerous drugs are dispensed or furnished. The proposed regulation also mandates that the notice be available at all hours that the pharmacy is open.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The board estimates a one-time cost of approximately \$20,000 in FY 2011/12.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not impose a new requirement on a pharmacy licensed with the Board of Pharmacy; rather, it proposes to modify the existing Notices to Consumers that is produced by the Board of Pharmacy and distributed to licensed pharmacies at no cost to a pharmacy. As an alternative to posting the notice provided by the board, the proposal would allow a business to utilize alternative means to display a required notice in an alternative format, display methodology or via video screen, as specified.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of new or

elimination of existing jobs, businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. This determination is based on the fact that a pharmacy licensed by the board is required to post Notices to Consumers that are produced and distributed by the board at no cost to the licensee.

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that a pharmacy licensed by the board is required to post Notices to Consumers that are produced and distributed by the board at no cost to the pharmacy.

#### CONSIDERATION OF ALTERNATIVES

The board estimates this proposal could result in a fiscal impact to the Board of Pharmacy of approximately \$20,000 to publish and distribute the revised "Notice to Consumer" posters to pharmacies. This is an important consumer education tool and the board will absorb these costs within its existing resources.

The only alternative would be to not pursue this regulation. This alternative is not reasonable because the board believes that patients have a right to know that they can ask for larger print on their prescription drug container labels, and also that they have the right to interpretive services at no cost to the patient. In addition, the proposed regulation would allow a pharmacy to provide the Notices either by posting the notices provided by the board (at no cost) or — if the pharmacy desires — to utilize a different format or display methodology.

No reasonable alternative to adopting or amending the regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons than the proposed regulations.

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the Contact Person.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's Web site <http://www.pharmacy.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board of Pharmacy's Web site ([www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)).

#### CONTACT PERSON

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

Name: Carolyn Klein  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7913  
Fax No.: (916) 574-8618  
E-Mail Address: [Carolyn.Klein@dca.ca.gov](mailto:Carolyn.Klein@dca.ca.gov)

The backup contact person is:

Name: Anne Sodergren  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7910  
Fax No.: (916) 574-8618  
E-Mail Address: [Anne.Sodergren@dca.ca.gov](mailto:Anne.Sodergren@dca.ca.gov)

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

**TITLE 22. DEPARTMENT OF SOCIAL SERVICES**

ORD #0311-01

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Crisis Nurseries

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 13, 2011, as follows:

Office Building #9  
744 P St. Room 0203  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 13, 2011.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking

file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

CHAPTERS

Title 22, Division 6, Chapter 7.3 (Crisis Nurseries), Section 86500 (General); Section 86501 (Definitions).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Crisis Nurseries (CN) are defined as facilities, licensed by the Department, which provide short-term, 24-hour nonmedical residential care and supervision for children under six years of age, who are either voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or a stressful situation, for no more than 30 days or, who are temporarily placed by a county child welfare services agency for no more than 14 days.

Senate Bill (SB) 1214 (Chapter 519, Statutes of 2010) amends Health and Safety Code section 1516 by incorporating additional language to the definition of "voluntary placement." The new language excludes the voluntary placement of children in CN whom have been removed from the care and custody of their parent(s) or legal guardian(s) and placed in foster care by a child welfare services agency. CN are now only able to accept voluntary placements from parent(s) or legal guardian(s). Additionally, SB 1214 ultimately extends the sunset date for CN from July 1, 2011 to January 1, 2014, with certain statutory changes occurring on July 1, 2012.

The proposed regulations clarify the type of clients CN are allowed to provide care and supervision for, as well as preserve the licensed category until January 1, 2014 to allow families in crisis to utilize its services.

COST ESTIMATE

1. Costs or Savings to State Agencies: No change in state operations costs as a result of these regulations.

2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: No impact to local assistance.
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: No change in state operations costs as a result of these regulations.

**LOCAL MANDATE STATEMENT**

These regulations do constitute a mandate on local agencies, but not on local school districts. There are state mandated local costs that require reimbursement, which is provided in the Budget Act to cover any costs that local agencies may incur.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

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

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

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

**SMALL BUSINESS IMPACT STATEMENT**

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**ASSESSMENT OF JOB CREATION OR ELIMINATION**

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

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

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

**AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1516 and 1530. Subject regulations implement and make specific Section 297, Family Code; Sections 1501, 1502, 1503, 1503.5, 1511, 1516, 1520, 1522, 1525, 1526, 1526.8, 1531, 1533, 1534, 1536.1, 1538, and 1538.5, Health and Safety Code; and Sections 11400 and 17710, Welfare and Institutions Code.

**THE CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Sue Tognet (916) 657-2586  
Backup: Zaid Dominguez (916) 657-2586

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND GAME**

**CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION NO.  
2080-2011-011-01**

**Project:** Martin Slough Interceptor Project — Phase I

**Location:** Humboldt

**Applicant:** City of Eureka

**Background**

The City of Eureka (Applicant) proposes to construct a new sewage pipeline through portions of the City of Eureka, Humboldt County, California. The Martin Slough Interceptor Project — Phase I (Project) includes a pipeline construction element and other construction activities related to access and maintenance.

The objectives of the Project include (1) develop and construct a wastewater collection and delivery system that reduces sanitary sewer system overflows in the Martin Slough basin; (2) develop and construct a more



economical wastewater collection and delivery system and discontinue some “lift” stations; and (3) meet future capacity for planned land use within the Project area. The current collection system uses gravity and “lifting” pumps to move waste water from localized laterals to larger mains and to a treatment plant at the mouth of Elk River on Humboldt Bay.

The proposed Project includes installation of new piping from the “O” Street lift station generally southwest, down the valley of Martin Slough. A number of existing lift stations will connect to the new “interceptor” pipe by new smaller pipelines. Some existing lift stations will be abandoned, as smaller pipes and the interceptor mainline pipe will be converted to gravity pipelines. In order to assure a smooth gradient, a trench will be constructed near the ground surface (about four feet) near the “O” Street station, and as much as 25 feet below the surface near the end of the interceptor.

The interceptor pipeline will be constructed within the Martin Slough valley on both sides of Martin Slough at varying locations. Most Project-related construction will occur outside of fish habitat or riparian areas, but the pipeline will cross Martin Slough at four locations through 60-foot wide construction corridors. Stream channel crossings will require diverting stream flow and de-watering construction sites. Prior to diversion, the stream will be blocked upstream of the crossing by a temporary barrier. Beginning at the barrier, a fish biologist will use a seine net to push fish downstream of the crossing site. A second temporary barrier will be placed before removing the seine net. Any fish remaining within the netted section will be removed with seine, dip net, and/or by electrofishing. All fish captured will be identified, measured, and transferred downstream of the blocked area. All water above the blocked area will be diverted through a temporary pipe around the crossing. When construction is complete, crossing sites will be treated for erosion control. Disturbed areas will be replanted with riparian plants and flow restored to crossing locations. This process will also be used at two maintenance road locations that cross unnamed, fish-bearing tributaries of Martin Slough where buried-bottom culverts will be installed.

The Project activities described above are expected to incidentally take<sup>1</sup> coho salmon (*Oncorhynchus kisutch*) of the Southern Oregon/Northern California Coast Evolutionarily Significant Unit (SONCC coho salmon) where those activities take place within Martin Slough and its tributaries from approximately one mile upstream of Fairway Drive to the riparian treatment area on the City of Eureka’s municipal golf course. In partic-

ular, SONCC coho salmon could be incidentally taken as a result of exposure from diverting stream flow; crushed by blocking and netting fish below the crossing; electrocuted or stressed from electrofishing; and crushed, exposed, or stressed from capture, holding in buckets, measuring, and transporting downstream of the crossing location. SONCC coho salmon are designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(2)(E).)

SONCC coho salmon individuals are documented as present within the Project site and there is occupied SONCC coho salmon habitat within and adjacent to the Project site. Because of the proximity of SONCC coho salmon and presence of suitable SONCC coho salmon habitat within the Project site, the National Marine Fisheries Service (Service) determined that SONCC coho salmon is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of SONCC coho salmon.

Instream work will occur between June 15 and October 15, during summer low flow and, in so doing, migrating adult SONCC coho salmon will be avoided. Juvenile SONCC coho salmon are expected to be exposed to Project activities that may result in adverse impacts. According to the Service, the Project will result in injury or mortality to no more than three percent of rearing juvenile SONCC coho salmon inhabiting the 60-foot lengths of the stream dewatered for the Project.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the Army Corps of Engineers (the Corps) consulted with the Service as required by ESA. On April 6, 2011, the Service issued a biological opinion (Service file No. 151422SWR2004AR9123) (BO) to the Corps. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The Service amended the BO on or about April 5, and again on or about May 9, 2011.

On April 11, 2011, the Director of the Department of Fish and Game (DFG) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and SONCC coho salmon. (Cal. Reg. Notice Register 2011, No. 16-Z, p. 654.)

### Determination

DFG has determined that the BO as amended, including the ITS, is consistent with CESA as to the Project and SONCC coho salmon because the mitigation mea-

<sup>1</sup> Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill.”

sures contained in the BO as amended and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of a CESA-listed species. Specifically, DFG finds that: (1) take of SONCC coho salmon will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO as amended and ITS will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of SONCC coho salmon. The mitigation measures in the BO as amended and ITS include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Measures shall be taken to minimize harm and mortality to listed salmonids resulting from fish relocation, dewatering, or instream construction activities.
- Measures shall be taken to ensure the Corps and/or Applicant will monitor and report take of listed salmonids
- The Applicant shall replant all riparian vegetation disturbed by the Project.
- The Applicant shall plant 280 linear feet of stream channel with 15 to 20-foot strips of riparian vegetation on the City’s municipal golf course.
- The Applicant shall place two large woody debris log structures within the stream channel within the City’s municipal golf course to provide improved habitat for salmonids.

Monitoring and Reporting Measures

- Any injuries or mortality from a fish relocation site exceeding three percent of SONCC coho salmon shall be reported to the nearest Service office within 48 hours.
- Fish relocation data shall be provided annually by the Corps and/or Applicant, including:
  - A summary detailing fish relocation activity, including number and species of fish relocated and number and species injured or killed. Any injuries or mortality from a relocation site exceeding three percent of SONCC coho salmon shall have an explanation describing why.
  - The distance of streambed stabilized with riparian species.

- The distance of aquatic habitat disturbed at each project site.
- The BO as amended requires the Applicant to submit monitoring reports to the Service annually. Although not a condition of the BO as amended, DFG requests a copy of the monitoring reports as well.

Financial Assurances

- Applicant will provide, subject to review and approval by DFG, a cost estimate associated with implementation of the vegetation restoration measures to plant 280 linear feet of stream channel with 15 to 20-foot strips of riparian vegetation on the City of Eureka’s municipal golf course, as well as place two large woody debris log structures within the stream channel within the City of Eureka’s municipal golf course to provide improved habitat for salmonids.
- Upon approval of the cost estimate and prior to the initiation of Project activities, Applicant will provide a financial commitment (i.e., letter of credit, letter of security) to and in a form approved by DFG to ensure performance of these measures.
- Applicant has provided financial assurances consistent with CESA, by amending the proposed action to state:

“In order to meet DFG’s requirements for providing financial security for their required mitigation, a trust account, letter of credit, or other form of security acceptable to DFG will be established by the City of Eureka.”

The Service has accepted and amended the proposed action to reflect the new language.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of SONCC coho salmon provided the Applicant implements the Project as described in the BO as amended, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO as amended and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO as amended and ITS, the Applicant shall be required to obtain a new consistency determination or other incidental take authorization for the Project as provided by the Fish and Game Code. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).)

**DEPARTMENT OF HEALTH CARE  
SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST**

**THE DEPARTMENT OF HEALTH CARE  
SERVICES TO IMPLEMENT A PROVIDER  
PAYMENT REDUCTION AND ADJUSTMENT  
UP TO 10 PERCENT FOR LONG-TERM  
CARE PROVIDERS**

This notice provides information of public interest about proposed payment reductions that may be implemented for Medi-Cal Long-Term Care providers.

The California Department of Health Care Services (DHCS) will implement the payment reductions only to the extent authorized in Assembly Bill 97 (Chapter 3, Statutes of 2011) which added sections 14105.07 and 14105.192, and amends section 14126.033 to the Welfare and Institutions Code. That section provides for a provider payment reduction up to 10 percent for various services, effective for dates of service on or after June 1, 2011. Sections 14105.07, 14105.192, and 14126.033 authorizes DHCS to implement payment reductions set forth in these statutes only if it determines that such reductions will comply with applicable federal law, including 42 United States Code section 1396a(a)(30)(A), and that federal financial participation will be available. Moreover, the statutes also provide that DHCS may not implement any reduction authorized by these statutes, until it obtains federal approval.

When implemented, the reductions pursuant to sections 14105.07, 14105.192, and 14126.033 (which would become effective on June 1, 2011) would replace the current five percent provider payment reductions that were effective beginning March 1, 2009, pursuant to Welfare and Institutions Code section 14105.191, for certain Long-Term Care providers. The reduction will apply to the reimbursement rates applicable for these providers, except freestanding skilled nursing facilities and freestanding adult subacute care facilities, in the 2008-09 rate year, as described in subdivision (f) of Section 14105.191. The reduction for freestanding skilled nursing facilities and freestanding adult subacute care facilities will apply to the final reimbursement rates applicable in the 2010-11 rate year.

Thus, in this public notice, DHCS is announcing the possibility of payment reductions for Long-Term Care providers of up to 10 percent. DHCS intends to submit a State Plan amendment to the federal Centers for Medicare & Medicaid Services (CMS), on or before June 30,

2011, incorporating the reductions it intends to implement.

DHCS is evaluating the impact of the specific payment reductions to determine whether they will comply with applicable federal Medicaid law, including section 1396a(a)(30)(A) of Title 42 of the United States Code. DHCS will consider public comments submitted in response to this notice as part of its evaluation, which will be presented to the Director of DHCS.

To the extent that the Director determines that a payment reduction authorized by sections 14105.07, 14105.192, and 14126.033 does not comply with the federal Medicaid requirements or that federal financial participation is not available with respect to that reduction, the Director has the discretion to not implement that particular reduction, as well as the discretion to implement a different payment reduction. For example, if the Director determines that a 10 percent payment reduction for some Long-Term Care providers does not comply with federal requirements, but that a 5 percent payment reduction does, the Director has discretion under sections 14105.07, 14105.192, and 14126.033 to implement only a 5 percent payment reduction for those providers.

Although any payment reduction pursuant to sections 14105.07, 14105.192, and 14126.033 will be effective for services rendered on or after June 1, 2011, application of the reductions will not occur until sometime after June 2011 when CMS approves a state plan amendment for the reductions.

The five percent payment reductions that are currently being implemented in accordance with Welfare and Institutions Code section 14105.191 are intended to continue until CMS approves a different payment reduction authorized by sections 14105.07, 14105.192, and 14126.033. At that time, DHCS will recover any overpayments made to Medi-Cal providers, for services rendered on and after June 1, 2011, which is the effective date of the reduction.

In accordance with its authority under sections 14105.07, 14105.192, and 14126.033, the payment reductions would reduce the state General Fund expenditures by approximately \$253.6 million annually.

Payment reductions implemented pursuant to sections 14105.07, 14105.192, and 14126.033 would apply to Long-Term Care providers that are authorized to bill for the services, including, but not limited to, the following providers:

- Freestanding skilled nursing facilities
- Freestanding adult subacute care nursing facilities

- Intermediate care facilities, as defined in Section 51118 of Title 22 of the California Code of Regulations
- Intermediate care facilities for the developmentally disabled (ICF-DD), including ICF/DD — Nursing and ICF/DD–Habilitative facilities
- Skilled nursing facilities that are distinct parts of general acute care hospitals
- Rural swing–bed facilities
- Subacute care units that are, or are parts of, distinct parts of general acute care hospitals
- Pediatric subacute care units that are, or are parts of, distinct parts of general acute care hospitals
- Freestanding pediatric subacute care units, as defined in Section 51215.8 of Title 22 of the California Code of Regulations

The reductions described above will not apply to payments for services paid with funds appropriated to other departments or agencies.

Payments to facilities owned or operated by the state will be exempt from the provider payment reductions pursuant to sections 14105.07 and 14126.033 of the Welfare and Institutions Code.

DHCS is currently evaluating the impact of the proposed payment reductions so that the Director will be able to determine what specific payment reductions will be implemented pursuant to sections 14105.07, 14105.192, and 14126.033. However, federal regulations require public notice prior to the effective date of the payment reductions. In order to insure that a notice was published in the Notice Register before June 1, 2011, the effective date of the reductions, DHCS submitted this notice to the Office of Administrative Law on or before May 17, 2011.

DHCS intends to notify the public of any actions required by AB 97 by use of the DHCS website. The following includes some of the information that will be posted:

- A State Plan Amendment that includes language regarding the provider payment reductions and adjustments.
- The Director’s decision concerning what payment reductions will be implemented in accordance with sections 14105.07, 14105.192, and 14126.033. Provider bulletins notifying providers impacted by the provider payment reductions of the implementation timeframes.
- Information relating to the provider payment reductions and adjustments that can be accessed at the County Welfare offices.

DHCS is considering submitting additional legislation that may further impact reimbursement rates to Medi–Cal Long–Term Care providers as follows:

- Extend the sunset date by one additional year to July 31, 2013, for the AB 1629 Quality Assurance fee (QAF) and the rate–setting methodology.
- End the 10 percent payment reductions on August 1, 2012 for AB 1629 SNFs and give providers a one–time payment adjustment for the 2012–13 Rate Year that is the same as the reduction in the 2011–12 Rate Year as compared to the 2010–11 Rate Year.
- Include pediatric subacute care facilities (both Distinct Part and Freestanding) in the QAF beginning August 1, 2011.
- Adjust the payment reduction for the pediatric subacute care facilities so that rate reductions are cost neutral to the Department for the 2011–12 Rate Year after accounting for the QAF revenue and federal matching funds.
- Delay implementation of the Quality and Accountability Supplemental Payment System (QASP) for one year.
- Delay until Rate Year 2012–13 the set–aside to the QASP of one percent of the AB1629 facilities reimbursement rate.

#### **PUBLIC REVIEW AND COMMENTS**

The California statutes discussed above are available for public review at welfare offices in every county of the State. Written comments (or requests for copies of the statutes and/or copies of the written comments) may be submitted to: Grant Gassman, Chief, Long Term Care Section; Medi–Cal Benefits, Waiver Analysis, and Rates Division; Department of Health Care Services; MS 4612; P.O. Box 997413; Sacramento, CA 95899–7413.

#### **DEPARTMENT OF HEALTH CARE SERVICES**

#### **NOTICE OF GENERAL PUBLIC INTEREST**

#### **THE DEPARTMENT OF HEALTH CARE SERVICES TO IMPLEMENT A PROVIDER PAYMENT REDUCTION AND ADJUSTMENT UP TO 10 PERCENT FOR OUTPATIENT SERVICES**

This notice provides information of public interest about proposed payment reductions that may be implemented for Medi–Cal covered outpatient services pro-

vided on a fee-for-service basis and payments for the same services provided under non-Medi-Cal programs that use rates that are identical to Medi-Cal rates.

The California Department of Health Care Services (DHCS) will implement the payment reductions only to the extent authorized in Assembly Bill 97 (Chapter 3, Statutes of 2011) which added section 14105.192 to the Welfare and Institutions Code. That section provides for a provider payment reduction up to 10 percent for various services, effective for dates of service on or after June 1, 2011. Section 14105.192 authorizes DHCS to implement payment reductions set forth in this statute only if it determines that such reductions will comply with applicable federal law, including 42 United States Code section 1396a(a)(30)(A), and that federal financial participation will be available. Moreover, the statute also provides that DHCS may not implement any reduction authorized by this statute, until it obtains federal approval.

When implemented, the reductions pursuant to section 14105.192 (which would become effective on June 1, 2011) would replace the current one and five percent provider payment reductions that were effective beginning March 1, 2009, pursuant to Welfare and Institutions Code section 14105.191.

Thus, in this public notice, DHCS is announcing the possibility of payment reductions for outpatient services of up to 10 percent. DHCS intends to submit a State Plan amendment to the federal Centers for Medicare & Medicaid Services (CMS), on or before June 30, 2011, incorporating the reductions it intends to implement.

DHCS is evaluating the impact of the specific payment reductions to determine whether they will comply with applicable federal Medicaid law, including section 1396a(a)(30)(A) of Title 42 of the United States Code. DHCS will consider public comments submitted in response to this notice as part of its evaluation, which will be presented to the Director of DHCS.

To the extent that the Director determines that a payment reduction authorized by section 14105.192 does not comply with the federal Medicaid requirements or that federal financial participation is not available with respect to that reduction, the Director has the discretion to not implement that particular reduction, as well as the discretion to implement a different payment reduction. For example, if the Director determines that a 10 percent payment reduction for some services does not comply with federal requirements, but that a 5 percent payment reduction does, the Director has discretion under section 14105.192 to implement only a 5 percent payment reduction for those services.

Although any payment reduction pursuant to section 14105.192 will be effective for services rendered on or after June 1, 2011, application of the reductions will not

occur until sometime after June 2011 when CMS approves a state plan amendment for the reductions.

The one and five percent payment reductions that are currently being implemented in accordance with Welfare and Institutions Code section 14105.191 are intended to continue until CMS approves a different payment reduction authorized by section 14105.192. At that time, DHCS will recover any overpayments made to Medi-Cal providers, for services rendered on and after June 1, 2011, which is the effective date of the reduction.

If DHCS were to implement a ten percent provider payment reduction for all Medi-Cal covered outpatient services in accordance with its authority under section 14105.192, it would reduce state General Fund expenditures for these services by approximately \$220 million annually.

Those payment reductions implemented pursuant to section 14105.192 would apply to outpatient services provided on a fee-for-service basis rendered by any provider authorized to bill for the services, including, but not limited to, the following providers:

- Physicians
- Podiatrists
- Nurse Practitioners
- Certified Nurse Midwives
- Nurse Anesthetists
- Organized Outpatient Clinics
- Hospital Outpatient Departments
- Allied Health Providers
- Dentists
- Vision Care
- Pharmacies
- Adult Day Health Care Centers

In addition, payments for services provided under the non Medi-Cal programs listed below would be reduced by the same percentage reduction implemented in the Medi-Cal program pursuant to section 14105.192.

- California Children's Services
- Genetically Handicapped Persons Program
- State Only Family Planning Program
- Child Health and Disability Program

Services, facilities, and payments exempted from the provider payment reductions for outpatient services pursuant to Section 14105.192 of the Welfare and Institutions Code, are as follows:

- Federally Qualified Health Center services
- Rural Health Clinic Services
- Facilities owned or operated by the State Department of Mental Health or the State Department of Developmental Services
- Hospice services

- Contract services designated by the Director of DHCS
- Payments to providers to the extent the payments are funded by means of a certified public expenditure or intergovernmental transfer
- Services pursuant to local assistance contracts and interagency agreements to the extent the funding is not included in the funds appropriated to DHCS
- Breast and Cervical Cancer Treatment Program and Cancer Detection Programs: Every Woman Counts
- Family Planning: Access, Care, and Treatment (Family PACT) Program

The reductions described above will not apply to payments for services paid with funds appropriated to other departments or agencies.

DHCS is currently evaluating the impact of the proposed payment reductions so that the Director will be able to determine what specific payment reductions will be implemented pursuant to section 14105.192. However, federal regulations require public notice prior to the effective date of the payment reductions. In order to insure that a notice was published in the Notice Register before June 1, 2011, the effective date of the reductions, DHCS submitted this notice to the Office of Administrative Law on or before May 17, 2011.

DHCS intends to notify the public of any actions required by AB 97 by use of the DHCS website. The following includes some of the information that will be posted:

- A State Plan Amendment that includes language regarding the provider payment reductions.
- The Director's decision concerning what payment reductions will be implemented for specific services in accordance with section 14105.192. Provider bulletins notifying providers impacted by the provider payment reductions of the implementation timeframes.
- Information relating to the provider payment reductions and adjustments that can be accessed at the County Welfare offices.

#### PUBLIC REVIEW AND COMMENTS

The California statutes discussed above are available for public review at welfare offices in every county of the State. Written comments (or requests for copies of the statutes and/or copies of the written comments) may be submitted to: Linda Machado, Chief, Provider Rate Section; Medi-Cal Benefits, Waiver Analysis, and Rates Division; Department of Health Care Services; MS 4600; P.O. Box 997417; Sacramento, CA 95899-7417.

## FISH AND GAME COMMISSION

### NOTICE OF RECEIPT OF AMENDED PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.7 of the Fish and Game Code, the California Fish and Game Commission, at its May 4, 2011, meeting in Ontario, determined that a 43-page letter dated March 31, 2011, from the Center for Biological Diversity amounted to a substantive amendment of the petition submitted to list the American pika (*Ochotona princeps*) as a threatened species.

The American pika inhabits talus fields fringed by suitable vegetation on rocky slopes of alpine areas throughout western North America.

Pursuant to Section 2073.7 of the Fish and Game Code, the Commission transmitted the amended petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95811, or telephone (916) 445-3555 for information on the petition or to submit information to the Department relating to the petitioned species.

### PROPOSITION 65

#### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

#### NOTICE OF INTENT TO LIST ALPHA-METHYL STYRENE BY THE LABOR CODE MECHANISM

MAY 27, 2011

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemical identified in the table below as known to the State to cause reproductive

toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken by the Labor Code mechanism pursuant to Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	Reference
<i>a</i> -Methyl styrene	98-83-9	Female reproductive toxicity	ACGIH (2010)

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) requires that substances identified in Labor Code section 6382(d) as causing reproductive toxicity be included on the Proposition 65 list. Labor Code section 6382(d) captures any chemicals within the scope of the federal Hazard Communication Standard that are identified as reproductive toxicants. Chemicals fall within the scope of the Hazard Communication Standard if they are listed as hazardous in the latest edition of the American Conference of Governmental Industrial Hygienists (ACGIH) "Threshold Limit Values (TLVs)." The TLV for *a*-methyl styrene (female endpoint) was assigned on the basis of ACGIH's findings of reproductive effects.

**Opportunity for comment:** OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA is providing this opportunity to comment as to whether the chemical identified above meets the requirements for listing as causing reproductive toxicity, specified in Health and Safety Code section 25249.8(a). Because this is a ministerial listing, comments should be limited to the question of whether the ACGIH has assigned a TLV based in whole or in part on an endpoint of reproductive toxicity. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by the ACGIH when it established the TLV, and will not respond to such comments if they are submitted.

**OEHHA must receive comments by 5:00 p.m. on Monday, June 27, 2011.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice:

**Mailing Address:** Ms. Cynthia Oshita  
Office of Environmental  
Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010

**Fax:** (916) 323-8803

**Street Address:** 1001 I Street  
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at (916) 445-6900.

**References**

American Conference of Governmental Industrial Hygienists. 2010 TLVs and BELs Based on Documentation of the Threshold Limit Values for Chemical Substances and Physical Agents.

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO LIST TITANIUM  
DIOXIDE (AIRBORNE, UNBOUND  
PARTICLES OF RESPIRABLE SIZE) BY THE  
LABOR CODE MECHANISM**

**MAY 27, 2011**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemical identified in the table below as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken pursuant to the Labor Code mechanism contained in Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	Reference
Titanium dioxide (airborne, unbound particles of respirable size)	—	Cancer	IARC (2010a; 2010b)

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) incorporates California Labor Code Sections 6382(b)(1) and 6382(d) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National

Toxicology Program (NTP) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. Labor Code section 6382(d) refers to substances identified as carcinogens or potential carcinogens by IARC or NTP.

As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether listing under Proposition 65 is required.

**OEHHA's determination:** *Titanium dioxide (airborne, unbound particles of respirable size)* meets the requirements for listing as known to the state to cause cancer for the purposes of Proposition 65.

In 2010, IARC published Volume 93 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans* (IARC, 2010b). IARC concluded that (1) there is sufficient evidence in experimental animals for the carcinogenicity of titanium dioxide and (2) titanium dioxide is "possibly carcinogenic to humans" (Group 2B). Therefore, this substance meets the requirements of both Labor Code sections 6382(b)(1) and (d).

**Opportunity for comment:** OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA is providing this opportunity to comment as to whether the chemical identified above meets the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a). Because this is a ministerial listing, comments should be limited to the question whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when identifying a specific chemical or substance and will not respond to such comments if they are submitted.

**OEHHA must receive comments by 5:00 p.m. on Monday, June 27, 2011.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below within 10 days from the publication of this notice:

**Mailing Address:** Ms. Cynthia Oshita  
Office of Environmental  
Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010

**Fax:** (916) 323-8803

**Street Address:** 1001 I Street  
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at (916) 445-6900.

**References**

International Agency for Research on Cancer (IARC, 2010a). *Agents Classified by the IARC Monographs, Volumes 1-100*. World Health Organization. Lyon, France. Available at URL: <http://monographs.iarc.fr/ENG/Classification/ClassificationsAlphaOrder.pdf>.

International Agency for Research on Cancer (IARC, 2010b). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Carbon Black, Titanium Dioxide and Talc. Vol. 93. World Health Organization. Lyon, France.

**RULEMAKING PETITION  
DECISIONS**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**NOTICE OF DECISION ON PETITION TO  
ADOPT REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3, Department of Corrections  
and Rehabilitation**

PETITIONER

Frederick L. Hayes

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Secretary may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Secretary the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to  
Timothy M. Lockwood, Chief, Regulation and Policy



Management Branch, Department of Corrections and Rehabilitation, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916)445-2269.

AVAILABILITY OF PETITION

The petition for adoption of the regulations is available upon request directed to the Department’s contact person.

SUMMARY OF PETITION:

Petitioner requests that the Department of Corrections and Rehabilitation adopt regulations to be incorporated into the California Code of Regulations (CCR), Title 15, Division 3, adding to the responsibilities of Appeal Coordinators which had been until recently set forth in §3084.6. As amended in the manner requested, processing responsibilities of the coordinator would be expanded to include receiving staff responses to “informal appeals” (now discontinued), which would then be returned to the appellant. Separate from this change, petitioner also desired amendment of the same subsection to broaden the scope of confidential correspondence and staff to include appeal forms and Appeal Coordinators. The petitioner believes adoption of these two provisions would “strengthen tracking of appeals from inception to completion” and eliminate obstacles to “timely submission for subsequent appeal review,” providing improved efficiency.

DEPARTMENT DECISION

The Secretary denies the petition to amend regulations to add to Appeal Coordinator responsibilities at the informal level.

The recently discontinued informal appeals step was intended to function in a casual manner, resolving issues at the lowest level without having to be logged or otherwise subjected to review. It was to enhance communication, afford resolution of issues at the lowest level and negate the need for more formal means of resolution. Appeal Coordinator interjection into the “informal” step as suggested by the petitioner would have been contrary and counter to the intent and objective of “informal” step, as originally conceived. Formalization and logging would have been a linked necessity, negating the “informality” phase entirely and functionally turning it into a fourth formal step. The Department has separately decided, in conjunction with informal step discontinuation, to institute a new written request process which has both a compensatory and separate pur-

pose beyond that of replacing the “informal” appeal step.

The Secretary similarly denies the petition’s request to amend existing regulations to broaden the confidential correspondence provisions of the rules in the manner suggested. The processing of confidential mail requires that staff open and search it for contraband. This means that staff would know who submitted the appeal and probably what it is about. So the window of staff opportunity for the disposal rather than mailing of an appeal would not be foreclosed by the changes proposed. In addition, the changes suggested by the petitioner would be misplaced and needlessly complicate existing process and practices set forth in other sections of the rules.

It is the Department’s perception that, rather than facilitating the inmate appeals process, the proposed changes would create new layers as well as fail to achieve the ends desired by the petitioner.

Both of the petitioner’s suggested changes are therefore declined.

Also, it should be noted that subsequent to the date of the petition, the entire article was revised. Accordingly, the specifics of changes posed in the petition are moot.

DEPARTMENT OF TRANSPORTATION

April 25, 2011

Mr. Francis E. Coats

Dear Mr. Coats:

Thank for your correspondence dated March 25, 2011 in which you requested that the Department adopt a regulation defining the term “navigable river” as used in Cal. Sts. & Hys. Code section 84.5. This letter is to inform you that the Department has decided not to adopt a regulation pursuant to Cal. Govt. Code section 11340.6.

The Department will instead strike the language you challenged in your correspondence:

“The term ‘navigable river’ is construed to mean any body of water that will require a U.S. Coast Guard permit to cross over” will be removed from from the Project Development Procedures Manual (PDPM) in both Chapter 8, Article 6 and in Appendix K, Article 2. Section 8.7 of the Local Assistance Procedures Manual will also be changed by striking “The term ‘navigable river’ is construed to mean any body of water that will require a U.S. Coast Guard permit to cross over.”.

Rather than define “navigable river” in the two manuals you referenced, the Department will instead rely on the California Navigation and Harbor Code and other applicable state law. The certification that the Department will not use the challenged language as required

by Title 1 section 280 of the California Code of Regulations will follow under separate cover.

If you have additional questions, comments, or concerns, you are welcome to contact Matthew George at (916) 654-2630.

Thanks again for your interest.

Sincerely,

/s/  
MALCOLM DOUGHERTY  
Chief Deputy Director (Interim)

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATION  
(Summary Disposition)**

**(Pursuant to Government Code  
Section 11340.5 and  
Title 1, section 270, of the  
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**OFFICE OF ADMINISTRATIVE LAW**

May 16, 2011

The Honorable Debra Bowen  
Secretary of State  
1500 11th Street  
Sacramento, CA 95814

Re: Corrected 2011 OAL Determination No. 7 (S)  
(CTU 2011-0330-02)

Dear Secretary Bowen:

On May 13, 2011, the Office of Administrative Law filed 2011 OAL Determination No. 6 (S) with your office. Upon further review, the Office of Administrative Law realized 2011 OAL Determination No. 6 (S) should have been filed as 2011 OAL Determination No. 7 (S). Attached are copies of Corrected 2011 OAL Determination No. 7 (S). Please file this letter and the cor-

rected determination with the determination filed on May 13, 2011.

Sincerely,

/s/  
Kathleen Eddy  
Senior Counsel

Cc: Matthew Cate  
Timothy Lockwood

[Correction: This determination was originally filed on May 13, 2011, as 2011 OAL Determination No. 6(S). The correct number is 2011 OAL Determination No. 7(S).]

Date: May 16, 2011

To: Michael Flanery

From: Chapter Two Compliance Unit

Subject: **2011 OAL DETERMINATION NO. 7(S)**  
**(CTU2011-0330-02)**

(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation "Facility 'B' Daily Activity Schedule," from California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF-CSP, Corcoran) dealing with the schedule of daily activities, including lighting of the facility.

On March 30, 2011, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether a document titled "Facility 'B' Daily Activity Schedule," from California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF-CSP, Corcoran) dealing with the schedule of daily activities, including when the lights of the facility would be on, was an underground regulation. This document was issued by the associate warden of Complex 1 at the California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF-CSP, Corcoran) and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant

<sup>1</sup> "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

to the Administrative Procedure Act (APA).<sup>2</sup> Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), expressly establishes exemptions for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4<sup>th</sup> 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF–CSP, Corcoran) and applies solely to the inmates of Facility B of California Substance Abuse Treatment Facility and State Prison,

<sup>2</sup> Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

Corcoran (SATF–CSP, Corcoran). Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.<sup>3</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Debra M. Cornez  
Assistant Chief Counsel/Acting Director

/s/

Elizabeth A. Heidig  
Staff Counsel

Copy: Matthew Cate  
Tim Lockwood

**SUSPENSION OF  
ACTION REGARDING  
UNDERGROUND REGULATIONS**

**OFFICE OF ADMINISTRATIVE LAW**

**SUSPENSION OF ACTION REGARDING  
UNDERGROUND REGULATIONS**

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

<sup>3</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.  
(B) The challenged rule is contained in a California statute.  
(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.  
(D) The challenged rule has expired by its own terms.  
**(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** [Emphasis added.]

**DEPARTMENT OF TRANSPORTATION**

On March 24, 2011, the Office of Administrative Law (OAL) received a petition challenging the interpretation of “navigable river” issued by the Department of Transportation in implementing California Streets and Highways Code section 84.5 as an alleged underground regulation.

On May 13, 2011, the Department of Transportation certified to the OAL that “the Department will not issue, use, enforce or attempt to enforce the definition of ‘navigable river’ that was challenged”; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

This action removes the current specification that the California Supplemental Examination for licensure as an architect shall be oral and institutes a waiting period of 180 days for applicants who fail the exam before they may retake it.

Title 16  
California Code of Regulations  
AMEND: 124  
Filed 05/18/2011  
Effective 05/18/2011  
Agency Contact: Timothy Rodda (916) 575-7217

File# 2011-0401-01  
CALIFORNIA EMERGENCY MANAGEMENT AGENCY  
State Private Nonprofit Organizations Assistance Program

The California Emergency Management Agency submitted this action as the Certificate of Compliance action for OAL File No. 2011-0214-03E to make permanent the emergency regulations and to add several modifications made after the emergency regulations were adopted. The regulations implement AB 903 (Stats. 2007, ch. 400), which was enacted to provide reimbursement to private nonprofit (PNP) organizations that incur extraordinary costs as a result of providing supplies and other disaster or emergency assistance activities if a state emergency is proclaimed by the Governor. The regulations also allow for reimbursement to intermediary PNPs, which are PNPs that coordinate the activities of other PNPs in providing disaster or emergency assistance activities.

Title 19  
California Code of Regulations  
ADOPT: 2991, 2992, 2993, 2993.1, 2994, 2994.1, 2995, 2995.1, 2996, 2996.1, 2997, 2998, 2999  
Filed 05/12/2011  
Effective 05/12/2011  
Agency Contact: Catherine Bernstein (916) 322-1742

File# 2011-0401-03  
CORRECTIONS STANDARDS AUTHORITY  
Conflict-of-Interest Code

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

Title 15  
California Code of Regulations  
REPEAL: 1  
Filed 05/13/2011  
Effective 06/12/2011  
Agency Contact: Sarah Olson (916) 322-5660

**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# 2011-0406-03  
BOARD OF OPTOMETRY  
Continuing Optometric Education

This regulatory action by the Board of Optometry amends section 1536 of title 16 of the California Code of Regulations. This amendment adds new continuing optometric education opportunities, including credit for attending a Board meeting, earning certification in cardiopulmonary resuscitation (CPR), and completing course work in the ethical practice of optometry. The amendment also provides for utilization of the Association of Regulatory Boards in Optometry’s Optometric Education Tracker system as proof of course attendance.

Title 16  
California Code of Regulations  
AMEND: 1536  
Filed 05/18/2011  
Effective 06/17/2011  
Agency Contact: Andrea Leiva (916) 575-7182

File# 2011-0413-01  
CALIFORNIA ARCHITECTS BOARD  
California Supplement Examination

File# 2011-0329-01  
 DEPARTMENT OF CORRECTIONS AND  
 REHABILITATION  
 Administrative Segregation

This is a nonsubstantive action replacing an incorrect, non-existent internal cross-reference citation with the correct one.

Title 15  
 California Code of Regulations  
 AMEND: 3335  
 Filed 05/11/2011  
 Effective 06/10/2011  
 Agency Contact: Josh Jugum (916) 445-2228

File# 2011-0405-01  
 DEPARTMENT OF HEALTH CARE SERVICES  
 QAF Program/Medi-Cal LTC Reimbursement Act

This is the certification of compliance for the adoption and amendment of regulations to implement the Quality Assurance Fee payable by residential care facilities for the elderly and the long term care reimbursement methodology.

Title 22  
 California Code of Regulations  
 ADOPT: 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52600 AMEND: 52000, 52502, 52503, 52504, 52505, 52507, 52516  
 Filed 05/17/2011  
 Agency Contact: Ben Carranco (916) 440-7766

File# 2011-0405-03  
 DEPARTMENT OF INSURANCE  
 Low Cost Automobile Income Eligibility and Zip Code Changes

This Section 100 action amends the California Automobile Insurance Low Cost Program Plan of Operations by adding newly adopted zip codes for Contra Costa and Fresno Counties and the Annual (2011) Update of the Health and Human Services Poverty Guidelines published in the Federal Register.

Title 10  
 California Code of Regulations  
 AMEND: 2498.6  
 Filed 05/16/2011  
 Agency Contact: Bryant W. Henley (916) 492-3558

File# 2011-0426-02  
 DEPARTMENT OF PESTICIDE REGULATION  
 Methyl Iodide: Restricted Material/VOC/TAC

This is the certification of compliance for an emergency action that added the pesticide compound methyl

iodide to the list of restricted materials, limits field fumigation using pesticides containing methyl iodide during the ozone nonattainment season to the use of methods identified in the product labeling and obliges persons who use methyl iodide to keep a record of the method used to apply it.

Title 3  
 California Code of Regulations  
 ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860  
 Filed 05/11/2011  
 Agency Contact: Linda Irokawa-Otani (916) 445-3991

File# 2011-0330-01  
 EMPLOYMENT DEVELOPMENT DEPARTMENT  
 Compelling Family Reasons

The Employment Development Department (EDD) submitted this action to amend sections 1256-9 and 1256-10 of title 22 of the California Code of Regulations. These amendments provide that individuals who voluntarily leave their employment to care for an ill or disabled family member shall have good cause for doing so, including instances when reasonable, alternative care is available. This action is taken in order for EDD to comply with Federal law in administration of the Unemployment Compensation program.

Title 22  
 California Code of Regulations  
 AMEND: 1256-9, 1256-10  
 Filed 05/12/2011  
 Effective 06/11/2011  
 Agency Contact: Estela Gallawa (916) 654-8410

File# 2011-0427-02  
 FISH AND GAME COMMISSION  
 Ocean Salmon Sport Fishing

The Fish and Game Commission proposed to amend section 27.80 of title 14 of the California Code of Regulations to set the 2011 ocean salmon sport fishing season.

Title 14  
 California Code of Regulations  
 AMEND: 27.80  
 Filed 05/11/2011  
 Effective 05/11/2011  
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2011-0503-02  
 SACRAMENTO-SAN JOAQUIN DELTA  
 CONSERVANCY  
 Conflict-of-Interest Code

This is a Conflict-of-Interest Code filing that has been approved by the Fair Political Practices Commis-

sion and is being submitted for filing with the Secretary of State and printing in the CCR only.

Title 14  
 California Code of Regulations  
 ADOPT: 28301  
 Filed 05/12/2011  
 Effective 06/11/2011  
 Agency Contact: Keri Spaulding (916) 327-6761

File# 2011-0406-02  
 STATE ALLOCATION BOARD  
 Leroy F. Greene School Facilities Act of 1998; Santa Catalina Island

This regulatory action amends the School Facility Program (SFP) Excessive Cost Hardship Grant geographic percentage chart for Santa Catalina Island to create a 50% cost percentage multiplier for school projects, instead of a "specifically approved by the Board" percentage.

Title 2  
 California Code of Regulations  
 AMEND: 1859.83  
 Filed 05/12/2011  
 Effective 05/12/2011  
 Agency Contact: Robert Young (916) 375-5939

File# 2011-0401-02  
 STATE WATER RESOURCES CONTROL BOARD  
 Low Threat Discharge Amendment

To reconcile conflicts between existing regional and statewide point source discharge permits and the Basin Plan for the North Coast Region, this rulemaking action amends the Basin Plan. Specifically, the rulemaking adds a new Low Threat Action Plan which allows for certain point source discharges if they are planned, short term, from definable projects, and controlled to eliminate or reduce pollutants and minimize volume and discharge rates through Best Management Practices. The Plan will also allow exceptions, as specified, to the 1% of flow rule. In addition, the rulemaking makes revisions to the existing Action Plan for Storm Water Discharges so as to specify criteria for the exemption storm water and certain low-threat non-storm water flows from permitted storm water collection systems and will include criteria for exempting these discharges from basin plan point source prohibitions. Best Management Practices will be required to eliminate or reduce pollutants in storm and non-storm flows and to minimize volume and discharge of non-storm flows. Exception criteria would only apply to point source discharges that are of low threat and that are otherwise covered under Waste Discharge Requirements or National Pollutant Discharge Elimination System permits.

Title 23  
 California Code of Regulations  
 ADOPT: 3909.1  
 Filed 05/12/2011  
 Effective 05/12/2011  
 Agency Contact: Nirmal Sandhar (916) 341-5571

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN December 22, 2010 TO  
 May 18, 2011**

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

- Title 2**
- 05/12/11 AMEND: 1859.83
  - 05/04/11 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 AMEND: 1181.1, 1181.2
  - 04/28/11 AMEND: 18427.1
  - 04/28/11 AMEND: 1859.90.2
  - 04/27/11 AMEND: 1859.76
  - 04/21/11 REPEAL: 18420.5
  - 04/21/11 AMEND: 18465
  - 04/21/11 ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197
  - 04/11/11 AMEND: 321
  - 04/06/11 AMEND: 59.3
  - 04/05/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2
  - 04/01/11 AMEND: 18734
  - 03/30/11 AMEND: 64.5
  - 03/28/11 AMEND: 599.550
  - 03/09/11 ADOPT: 552
  - 03/08/11 ADOPT: 18451 REPEAL: 18451, 18452, 18453
  - 03/07/11 AMEND: 18404.1
  - 03/07/11 AMEND: 18435, 18450.4
  - 03/03/11 AMEND: 1897
  - 02/23/11 AMEND: 18734, 18751
  - 02/17/11 AMEND: 18116
  - 02/17/11 AMEND: 18239
  - 02/17/11 ADOPT: 18401.1, 18435.5
  - 02/15/11 AMEND: 599.500, 599.501
  - 01/28/11 ADOPT: 559
  - 01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4

	AMEND: Heading for Subchapter 1.3 — Article 25	04/01/11	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, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590
01/25/11	AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104		
01/13/11	AMEND: 1859.2, 1859.302, 1866, Form SAB 50-02, 50-03, 50-04, 50-06, 50-07, 50-08, 50-09, 50-10, 61-04, 40-20, 40-21, 40-24		
01/12/11	ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12) REPEAL: 172.9		
01/12/11	AMEND: 59.3 Appendix A		
01/06/11	ADOPT: 649.17.1, 649.19, 649.20 AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62		
01/06/11	AMEND: 67.3		
12/28/10	AMEND: Div. 8, Ch. 114, Sec. 59590		
<b>Title 3</b>			
05/11/11	ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860		
04/20/11	AMEND: 3434		
04/14/11	ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407	03/17/11	AMEND: 202, 210, 214, 246, 247, 248, 249, 252, 254, 264, 266, 267, 304, 332, 334, 335, 364, 385, 510, 533, 541, 545, 609
04/07/11	AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2, 6452.3, 6452.4, 6536, 6626	03/07/11	ADOPT: 8035.5
03/18/11	AMEND: 3434(b) and (c)	03/07/11	ADOPT: 8078.2 AMEND: 8070, 8072
03/18/11	AMEND: 3434(b)	03/03/11	REPEAL: 4002.2(a)
03/14/11	AMEND: 3408	02/16/11	AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164
03/01/11	AMEND: 3558	01/24/11	ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205
02/17/11	AMEND: 3437	01/06/11	AMEND: 8070, 8072, 8073, 8074
02/15/11	AMEND: 3430	01/06/11	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, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312,
02/15/11	ADOPT: 820.55 AMEND: 820, 820.3, 820.6, 820.7		
02/10/11	AMEND: 3601		
02/10/11	AMEND: 3434(b), (c)		
02/10/11	AMEND: 3423(b)		
01/13/11	AMEND: 3425(b), (c)		
01/13/11	AMEND: 3591.20(a)		
01/13/11	AMEND: 3591.15(a), (b)		
01/11/11	AMEND: 1430.142		
01/11/11	AMEND: 3591.20(a)		
12/30/10	AMEND: 3435(b)		
12/29/10	AMEND: 3434(b) and (c)		
<b>Title 4</b>			
04/18/11	AMEND: 10302, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328		
04/01/11	ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036		

**CALIFORNIA REGULATORY NOTICE REGISTER 2011, VOLUME NO. 21-Z**

5313, 5314, 5315, 5320, 5321, 5330,  
5340, 5350, 5360, 5370, 5371, 5372,  
5380, 5381, 5382, 5383, 5384, 5400,  
5410, 5411, 5420, 5421, 5422, 5423,  
5430, 5431, 5432, 5433, 5434, 5435,  
5440, 5450, 5460, 5461, 5470, 5480,  
5490, 5491, 5492, 5493, 5494, 5500,  
5510, 5520, 5530, 5531, 5532, 5533,  
5534, 5540, 5550, 5560, 5570, 5571,  
5572, 5573, 5580, 5590

**Title 5**

05/02/11 ADOPT: 19817.2, 19817.5, 19840,  
19846.1 AMEND: 19815, 19816,  
19816.1, 19817.1, 19846  
05/02/11 ADOPT: 80036.4 AMEND: 80034,  
80036, 80036.1, 80036.2, 80036.3,  
REPEAL: 80036.5  
04/13/11 AMEND: 850, 851, 852, 853, 853.5, 854,  
855, 857, 858, 859, 861, 862, 870 (now  
862.5), 864, 864.5, 866, 868  
04/12/11 ADOPT: 76020, 76140, 76212, 76240  
AMEND: 76000, 76120, 76130, 76200,  
76210, 76215 REPEAL: 76010, 76240  
03/28/11 ADOPT: 75010, 75100, 75500 AMEND:  
74120, 74130, 74160, 74170  
03/24/11 ADOPT: 30001.5  
03/21/11 ADOPT: 10120 AMEND: 10070, 10071,  
10075  
03/15/11 ADOPT: 4800, 4801, 4802, 4803, 4804,  
4805, 4806, 4807  
03/01/11 ADOPT: 1216.1  
02/22/11 ADOPT: 42398  
02/22/11 AMEND: 42375  
01/20/11 ADOPT: 30010, 30011, 30012, 30013,  
30014, 30015, 30016, 30017, 30018,  
30019, 30034, 30035, 30036, 30037,  
30038, 30039, 30040, 30041, 30042,  
30043, 30044, 30045, 30046 AMEND:  
30000, 30001, 30002, 30005, 30020,  
30021, 30022, 30023, 30030, 30032,  
30033  
01/14/11 ADOPT: 11968.5  
01/10/11 AMEND: 30730, 30731, 30735, 30736  
12/23/10 AMEND: 2, 30, 50, 70, 401, 641, 1021,  
1023.1, 1025, 1030, 1633, 3082, 3088.1,  
3947, 4417, 4421, 4422, 4424, 5504,  
5594, 5601, 5710, 10042, 10070, 10090,  
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11531, 11537, 11538, 13000, 13009,  
13014, 13025, 13039, 13040, 13043,  
13052, 14100, 15106, 15158, 15184,  
15375, 15376, 15384, 15405, 15531,

15532, 15534, 15535, 15550, 15551,  
16000, 18000, 18009, 18013, 18016,  
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18308, 18460, 18461, 18533

12/22/10 AMEND: 80413.3 REPEAL: 80430.2

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03/17/11 ADOPT: 211.5  
03/14/11 AMEND: 217  
02/02/11 AMEND: 215

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05/03/11 AMEND: 3657  
05/02/11 AMEND: 16423 REPEAL: 16450,  
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16460, 16461, 16462, 16463, 16464  
04/26/11 AMEND: 3209  
04/18/11 ADOPT: 9792.5.0, 9792.5.1, 9792.5.2,  
9792.5.3 AMEND: 9792.5  
04/18/11 AMEND: 344.30  
04/13/11 AMEND: 3380  
03/28/11 AMEND: 3668(a)  
03/17/11 AMEND: 7102, 7104, 7160, 7178  
03/17/11 AMEND: 3207  
03/07/11 AMEND: 3328  
02/01/11 AMEND: 5291  
01/20/11 AMEND: 344.6, 344.16, 344.18  
12/29/10 AMEND: 1709

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05/16/11 AMEND: 2498.6  
05/04/11 ADOPT: 260.004.1  
04/25/11 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1,  
1422.4.5, 1422.5, 1422.6, 1422.6.1,  
1422.6.2, 1422.6.3, 1422.7, 1422.7.1,  
1422.9, 1422.10, 1422.11, 1422.12,  
1424, 1437, 1950.122, 1950.122.2.1,  
1950.122.4, 1950.122.4.1, 1950.122.5,  
1950.122.5.1, 1950.122.5.2,  
1950.122.5.3, 1950.122.5.4, 1950.122.6,  
1950.122.7, 1950.122.8, 1950.122.9,  
1950.122.10, 1950.122.11, 1950.122.12,  
1950.122.15, 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  
04/18/11 AMEND: 2188.65, 2695.180  
04/06/11 AMEND: 2498.4.9  
04/06/11 AMEND: 2498.4.9  
03/22/11 AMEND: 2498.4.9



03/16/11 ADOPT: 2632.13.1 AMEND: 2632.13  
 03/16/11 AMEND: 5500, 5501, 5505, 5506, 5507  
 03/03/11 ADOPT: 1580, 1581, 1582, 1583, 1584,  
 1585, 1586, 1587, 1588, 1589, 1590,  
 1591, 1592, 1593, 1594, 1595, 1596  
 02/10/11 ADOPT: 2593, 2593.1, 2593.2, 2593.3,  
 2593.4, 2593.5, 2593.6, 2593.7  
 02/02/11 AMEND: 2699.6500, 2699.6700,  
 2699.6707, 2699.6721  
 01/31/11 ADOPT: 3575, 3576, 3577 AMEND:  
 3500, 3522, 3523, 3524, 3526, 3527,  
 3528, 3529, 3530, 3582, 3681, 3702,  
 3703, 3721, 3724, 3726, 3728, 3731,  
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 01/24/11 AMEND: 2222.12  
 12/31/10 ADOPT: 2582, 2582.1, 2582.2, 2582.3  
 12/30/10 AMEND: 2614, 2614.7, 2614.13  
 12/29/10 ADOPT: 2188.65, 2695.180, 2695.181,  
 2695.182, 2695.183 AMEND: 2190.2,  
 2190.3  
 12/29/10 AMEND: 2542.4  
 12/23/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1,  
 1422.5, 1422.6, 1422.6.1, 1422.6.2,  
 1422.6.3, 1422.7, 1422.7.1, 1422.9,  
 1422.10, 1422.11, 1422.12, 1424, 1437,  
 1950.122.1, 1950.122.4, 1950.122.4.1,  
 1950.122, 1950.122.5, 1950.122.5.1,  
 1950.122.5.2, 1950.122.5.3,  
 1950.122.5.4, 1950.122.6, 1950.122.7,  
 1950.122.8, 1950.122.9, 1950.122.10,  
 1950.122.11, 1950.122.12, 1950.205.1,  
 1950.209, 1950.307 AMEND: 1404,  
 1409, 1411, 1430.5, 1431, 1433, 1436,  
 1454, 1550, 1552, 1557, 1950.003,  
 1950.122.2, 1950.123, 1950.204.3,  
 1950.204.4, 1950.301, 1950.314.8,  
 1950.316, 1950.317 REPEAL: 1950.122

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04/19/11 AMEND: 1005, 1007, 1008  
 04/19/11 AMEND: 1018  
 04/13/11 AMEND: 1054  
 04/11/11 ADOPT: 999.24, 999.25, 999.26, 999.27,  
 999.28, 999.29 AMEND: 999.10,  
 999.11, 999.14, 999.16, 999.17, 999.19,  
 999.20, 999.21, 999.22  
 03/30/11 AMEND: 9070, 9072, 9073, 9077  
 03/16/11 AMEND: 2037  
 01/31/11 ADOPT: 4075 AMEND: 4047, 4049,  
 4050, 4051, 4052, 4053, 4057, 4058,  
 4059, 4060, 4061, 4062, 4063, 4064,  
 4065, 4066, 4067, 4068, 4070, 4071,  
 4072, 4073, 4074 REPEAL: 4055  
 12/30/10 AMEND: 1005, 1060

12/29/10 AMEND: 1001, 1004, 1005, 1006, 1007,  
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04/01/11 AMEND: 553.70  
 03/07/11 AMEND: 2477  
 02/24/11 ADOPT: 551.21  
 02/24/11 ADOPT: 551.19, 551.20, 551.23, 551.24,  
 551.25 AMEND: 550, 551.2, 551.11,  
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 02/22/11 AMEND: 551.14, 555.1, 584  
 02/16/11 AMEND: 594, 595, 597 REPEAL: 593  
 02/15/11 AMEND: 567, 583, 591, 593.1, 593.3  
 02/15/11 AMEND: 272.00, 272.02  
 01/27/11 AMEND: 2621(i), 2623  
 01/19/11 AMEND: 1961  
 01/18/11 ADOPT: 2711 AMEND: 2701, 2702,  
 2703, 2704, 2705, 2706, 2707  
 01/03/11 AMEND: 1239  
 12/23/10 AMEND: 423.00

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01/20/11 AMEND: Title 13: 2451, 2452, 2453,  
 2456, 2457, 2458, 2459 and Title 17:  
 93116.1, 93116.2, 93116.3

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05/12/11 ADOPT: 28301  
 05/11/11 AMEND: 27.80  
 05/03/11 AMEND: 790, 815.05, 816.01, 816.02,  
 816.03, 816.05, 817.02, 817.03, 818.02,  
 818.03, 825.05, 825.07, 826.01, 826.02,  
 826.03, 826.05, 827.01, 827.02  
 05/02/11 AMEND: 925.7, 925.10, 926.9, 926.10,  
 927.5, 928.5, 928.6, 945.4, 965.4  
 05/02/11 AMEND: 898.2  
 04/29/11 ADOPT: 1570, 1571, 1572, 1572.1,  
 1572.2, 1573, 1573.1, 1573.2, 1573.3,  
 1573.4, 1573.5, 1573.6, 1574, 1575,  
 1575.1, 1575.2, 1575.3, 1576  
 04/25/11 AMEND: 1670  
 04/06/11 ADOPT: 749.6  
 04/01/11 AMEND: 27.80  
 03/09/11 ADOPT: 703 AMEND: 671, 671.1, 671.7  
 02/24/11 AMEND: 11600  
 02/17/11 REPEAL: 19020, 19021, 19022, 19023,  
 19024, 19025  
 02/08/11 AMEND: 817.02  
 02/07/11 ADOPT: 1052.5 AMEND: 895, 916.9,  
 936.9, 956.9, 1052, 1052.1, 1052.2  
 01/12/11 AMEND: 632  
 01/05/11 AMEND: 4970.00, 4970.01, 4970.05,  
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4970.08, 4970.09, 4970.13  
12/30/10 ADOPT: 1722.8, 1722.8.1, 1722.9,  
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1774.1, 1774.2, 1777, 1777.1, 1777.2,  
1777.3 AMEND: 1722, 1760, 1770,  
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05/13/11 REPEAL: 1  
05/11/11 AMEND: 3335  
04/29/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4,  
3359.5, 3359.6, 3359.7 AMEND: 3000  
04/15/11 ADOPT: 3769, 3769.1, 3769.2, 3769.3,  
3769.4, 3769.5, 3769.6  
03/28/11 AMEND: 3269  
03/09/11 ADOPT: 3800, 3800.1, 3800.2, 3800.3  
03/03/11 ADOPT: 3520, 3521, 3521.1, 3521.2,  
3521.3, 3521.4, 3521.5, 3522, 3523,  
3525, 3526, 3527  
02/18/11 AMEND: 4710, 4711, 4712, 4713, 4714  
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05/18/11 AMEND: 124  
05/18/11 AMEND: 1536  
05/09/11 ADOPT: 360, 363.1, 370 AMEND: 355  
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355.1 now 372, 359 now 365 REPEAL:  
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04/28/11 ADOPT: 1131, 1132  
04/28/11 AMEND: 4150, 4151, 4152.1, 4153,  
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04/25/11 AMEND: 48.3  
04/25/11 AMEND: 600.1, 601.5, 602, 602.1, 603,  
605, 607.4, 608.3, 627, 634, 635, 645  
04/15/11 ADOPT: 2007, 2010.05 AMEND:  
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04/14/11 AMEND: 70  
04/14/11 ADOPT: 2086, 2086.1, 2086.2, 2086.3,  
2086.4, 2086.5, 2086.6, 2086.7, 2086.8,  
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03/17/11 AMEND: 2260, 2266, 2282, 2282.1  
03/14/11 ADOPT: 4125 AMEND: 4123  
03/09/11 ADOPT: 1007, 1008 AMEND: 1017.2  
03/03/11 AMEND: 375  
03/03/11 AMEND: 117  
03/01/11 AMEND: 1399.157, 1399.160.3,  
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02/23/11 AMEND: 400, 401, 404, 463.5, 3000,  
3003, 3021, 3065  
02/08/11 AMEND: 1518, 1523, 1531, 1532, 1533,  
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02/01/11 ADOPT: 87.9, 88.2, 90  
01/31/11 AMEND: 2000, 2010, 2010.1, 2015,  
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01/27/11 AMEND: 3394.3, 3394.4, 3394.5,  
3394.6, 3394.7  
01/11/11 ADOPT: 3394.7 AMEND: 3394.1,  
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04/21/11 AMEND: 7583  
03/07/11 ADOPT: 100801  
02/17/11 AMEND: 52170, 52172, 52173  
02/02/11 ADOPT: 95350, 95351, 95352, 95353,  
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01/10/11 ADOPT: 100800  
01/10/11 AMEND: 100080  
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01/31/11 AMEND: 1506  
01/12/11 AMEND: 1584  
01/10/11 AMEND: 1533.1

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05/12/11 ADOPT: 2991, 2992, 2993, 2993.1,  
2994, 2994.1, 2995, 2995.1, 2996,  
2996.1, 2997, 2998, 2999  
02/18/11 ADOPT: 2991, 2992, 2993, 2994, 2995,  
2996, 2997, 2998, 2999, 2999.1, 2999.2,  
2999.3, 2999.4, 2999.5 AMEND: 2900  
01/12/11 ADOPT: 3.00 AMEND: 1.05, 1.07, 1.08,  
1.09, 1.11, 1.12, 1.13, 2.02, 3.00  
(renumbered to 3.00.1), 3.01, 3.02, 3.03,  
3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13,  
3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22,  
3.23, 3.25, 3.26, 3.28, 3.29, 3.31, 3.32,  
4.3, 4.5, 204, 303, 315, 324, 325, 332,  
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749, 750, 753, 754, 755, 756, 760, 904,  
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4.1, 4.2, 4.3, 7.2, 8.1, 8.3, 8.4, 8.5, 8.6,  
10.2, 13.7, 14.1, 14.2, 14.3, 14.5, 14.6,  
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01/25/11 AMEND: 6680

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05/12/11 AMEND: 1256-9, 1256-10

04/25/11 AMEND: 2708(c)-1

04/21/11 AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465-E

04/12/11 AMEND: 66264.90, 66264.94, 66264.97, 66264.98, 66264.99, 66264.100, 66265.90, 66265.91, 66265.97, 66265.98, 66265.99

03/22/11 AMEND: 66250, 66250.1, 66250.2

02/15/11 ADOPT: 4451 AMEND: 4400, 4401.5, 4405, 4417, 4427, 4429, 4447

01/10/11 AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501

01/10/11 ADOPT: 52000, 52100, 52101, 52102, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52507, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600 REPEAL: 52103

12/22/10 REPEAL: 65700, 65700.2, 65700.6, 65700.8, 65700.10, 65700.12, 65710, 65715, 65720, 65725, 65730, 65735, 65740, 65745, 65750, 65755

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05/06/11 ADOPT: 3939.38

04/04/11 ADOPT: 3990

03/17/11 ADOPT: 3949.7

01/19/11 ADOPT: 3775.5, 3776, 3779.5 AMEND: 3720, 3721, 3722, 3723, 3730, 3733, 3740, 3741, 3742, 3750, 3751, 3762, 3763, 3775, 3777, 3778, 3779, 3780, 3781 (Appendices A and C) REPEAL: 3760, 3761, 3764, 3776, 3782

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01/03/11 ADOPT: 3919.9

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03/07/11 AMEND: 5002, 5010, 5040

02/18/11 ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616

02/10/11 ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324

01/28/11 AMEND: 3070, 4204, 4210, 4212

01/26/11 ADOPT: 7980, 7980.1, 7980.2, 7980.3

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03/17/11 AMEND: 25801, 25803

02/16/11 AMEND: 27001

01/26/11 AMEND: 25705

01/26/11 AMEND: 25705

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02/15/11 AMEND: 16-015, 16-120, 16-601 REPEAL: 16-315

01/31/11 AMEND: 31-021

12/22/10 AMEND: 42-302, 42-712, 42-713