



California Regulatory Notice Register

REGISTER 2013, NO. 13-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 29, 2013

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

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

**PROPOSED ACTION ON
REGULATIONS**

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TITLE 5. BOARD OF EDUCATION

**AMENDMENT TO CALIFORNIA CODE OF
REGULATIONS, TITLE 5 REGARDING
THE GENERAL EDUCATIONAL
DEVELOPMENT TEST**

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 May 14, 2013, 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. Comments must be re-

ceived by the Regulations Coordinator prior to 5:00 p.m. on May 14, 2013. 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 51426, Education Code.
Reference: Sections 51420, 51421, 51422, 51423 and 51425, Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The general educational development test is governed by Education Code sections 51420 through 51427, which require the SSPI to issue a California high school equivalency certificate to a person who meets certain requirements and who receives a passing score on "a general educational development test" approved by the SBE and administered at a testing center approved by the CDE. The governing statutes also require the SBE to determine a score on that test which it deems "equal to the standard of performance expected from high school graduates," i.e., a passing score.

Existing regulations designate the General Educational Development Test (GED Test) owned by the American Council on Education (ACE) as the test identified in Education Code 51420. ACE is a private entity. "GEDTS" is an office within ACE, not a separate legal entity. Specifically, California Code of Regulations, title 5 (5 CCR) section 11530(b) defines the "general educational development test" required by Education Code section 51420 as follows:

... a specific series of the General Educational Development Test adopted by the General Educational Development Testing Service of the American Council on Education.

The regulations are being amended to permit the CDE to recommend for approval a different assessment which may be administered for purposes of issuing a California high school equivalency certificate.

The proposed amendments to regulations will omit all references to ACE, ACE products, including the GED Test, and other terms specific to ACE. They also delete passing score definitions that are tailored to ACE's GED Test and remove the provision related to testing centers approved by CDE being recognized as an official testing facility by the ACE and GEDTS, which is inconsistent with the provisions of Education Code section 51420 and 5 CCR section 11531. This also relieves testing centers from having to fulfill GEDTS requirements and restores such authority to the CDE consistent with the requirements of Education Code section 51420.

The proposed amendments to regulations substitute generic terms for the GED Test and the source of the test, which will allow the CDE to obtain a new assessment through more efficient means that leads to a California high school equivalency certificate.

The CDE reviewed all state regulations relating to the general educational development test and found that none exist that are inconsistent or incompatible with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: 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 costs or savings imposed on local educational agencies: None.

Costs 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.

Effect on housing costs: There will be no impact to housing costs because the regulations relate only to testing centers.

Effect on small businesses: The proposed regulations would not have an effect on any small businesses in California because the current test provider is not a California business and may not be a "small" business. Otherwise, the proposed regulations are not likely to affect the testing centers which are local public entities that will continue offering a state approved assessment.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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.

The benefits of the proposed amendments to regulations will be to allow the CDE to explore other options that meet statutory requirements for purposes of developing an assessment that leads to a California high school equivalency certificate. The use of another assessment, other than the GED Test will promote social equity and open 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 and equally effective in implementing the statutory policy or other provision of law. 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:

Denise Moore, Education Programs Consultant
High School and Physical Fitness Assessment
Office California Department of Education
1430 N Street Sacramento, CA 95814
Telephone: 916-319-0500
E-mail: Dmoore@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, 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 Denise Moore, Education Programs Consultant, High School and Physical Fitness Assessment Office, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0500. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF
REGULATIONS, TITLE 5 REGARDING PUPIL
FEES AND DISCRIMINATION COMPLAINTS

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 (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30 p.m. on May 14, 2013, 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. Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 14, 2013. 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 221.1, 8261, 33031, 49531, 49551, 51426, 54445, 52355, 52451, and 56100, Education Code; Section 11138, Government Code.

Reference: Sections 200, 201, 210.1, 220, 234.1, 17002, 17592.72, 33126, 49010, 49013, 49556, 51420, 51421, 51422, 51423, 51425, and 60010, Education Code; Sections 11135, 11136 and 11138, Government Code; and 34 C.F.R. Sections 106.1–106.8 and 299.10–299.11.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing constitutional law requires the Legislature to provide for a system of common schools by which a free school is required to be maintained and supported in each district. California Education Code sections 49010–49013 (AB 1575), reinforce existing law prohibiting all public schools, including but not limited to a charter school or alternative school, from requiring a pupil to pay a fee, deposit or other charge not specifically authorized by law, for participation in an educational activity and sets forth the responsibilities of the LEAs and the CDE in resolving complaints of noncompliance utilizing the Uniform Complaints Procedures (UCP) process.

Through this rulemaking process, the SBE proposes to amend the California Code of Regulations, title 5, by amending sections 4600(j), 4600(t), 4600(u), 4610 (d), 4630(a), 4650(a)(3) and by adding sections 4630(c), 4631(e)(5)(A), 4633(i)(3)(A), and 4633(j). The proposed regulations clarify and make specific the provisions of Education Code sections 49010–49013 regarding the criteria, process, and timelines for resolving pupil fees complaints and appeals utilizing the UCP and the requirements imposed upon LEAs and the CDE.

Through this rulemaking process, the SBE proposes to amend California Code of Regulations, title 5, by amending section 4610(c). The proposed regulations clarify and make specific the provisions of Education Code section 234.1 regarding complaints of discrimination, harassment, intimidation and bullying.

Proposed amendments and additions to section 4600 include three provisions that are intended to define:

- “Educational activity;”
- “Pupil fee;” and
- “Reasonable efforts” in relation to the reimbursement remedy for meritorious pupil fee complaints and appeals.

Proposed amendments to section 4610 are intended to:

- Clarify that the scope of the UCP now includes pupil fee complaints.

Proposed amendments and additions to section 4630, contains two provisions which are intended to clarify procedures specific to pupil fees complaints, including:

- Complaints regarding pupil fees are filed with the Principal and may be filed anonymously;
- Complaints regarding pupil fees must be filed within one year of the alleged violation.

Proposed additions to sections 4631 and 4633 contain three provisions that are intended to clarify that:

- If the LEA or the CDE finds merit on a pupil fees complaint, the LEA must provide a remedy that, where applicable, includes reimbursement to all affected pupils; and
- The CDE must issue a decision with 60 days of receiving the appeal.

Proposed amendments to section 4650 are intended to:

- Clarify that the CDE shall not directly intervene without waiting for an LEA investigation of a pupil fee complaint on the grounds that the complainant has requested anonymity, because a pupil fee can be filed anonymously.

The benefits of the proposed regulatory action include providing a mechanism for the State to ensure that all students enrolled in a public school, including but not limited to a charter school or alternative school, receive a free education and have access to the UCP, which includes state oversight in resolving pupil fees complaints.

The CDE reviewed all state regulations relating to the uniform complaint procedures and pupil fees and found that none exist that are inconsistent or incompatible with these regulations regarding the same subject matter.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: 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 costs or savings imposed on local educational agencies: None.

Costs 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.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only affect local educational agencies and would have no impact on the private sector.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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.

The benefits of the regulation include ensuring a free public education for all California public school students; and the inclusion of pupil fees complaints in a transparent resolution process, the UCP.

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 and equally effective in implementing the statutory policy or other provision of law.

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 should be directed to:

Celina Arias-Romero, Education Administrator
Categorical Programs and Complaints Management
California Department of Education
1430 N Street, Suite 6408
Sacramento, CA 95814
Telephone: 916-319-0929
E-mail: CAriasRomero@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, 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/tr>.

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 Celina Arias-Romero, Education Administrator, Categorical Programs and Complaints Management, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0929. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **May 16, 2013**, at 10:00 a.m. in the Council Chambers of the Walnut Creek City Hall 1666 N. Main Street, Walnut Creek, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **May 16, 2013**, at 10:00 a.m. in the Council Chambers of the Walnut Creek City Hall 1666 N. Main Street, Walnut Creek, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **May 16, 2013**, at 10:00 a.m. in the Council Chambers of the Walnut Creek City Hall 1666 N. Main Street, Walnut Creek, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached

through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on May 16, 2013.

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 36, Section 1933
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 141, Sections 5541 and 5543
Article 143, Section 5559,
Article 145, Section 5600,
Article 159, Section 6170
Fire Control, Update of References to NFPA 13 Standard, Installation of Sprinkler Systems

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 36, Section 1933
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 141, Sections 5541 and 5543
Article 143, Section 5559,
Article 145, Section 5600,
Article 159, Section 6170
Fire Control, Update of References to NFPA 13 Standard, Installation of Sprinkler Systems

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The current rulemaking proposal is based on an email dated February 13, 2012, from Raymond Bizal, Southwest Regional Director, National Fire Protection Agency (NFPA), to the Occupational Safety and Health Standards Board (Board) staff suggesting an update to various sections in Title 8, which refer to NFPA 13 “Standard for the Installation of Sprinkler Systems”. NFPA 13 has undergone several revisions since the various editions referenced throughout Title 8. The latest version of the standard is the 2013 edition, available as of October 2012. Some of the referenced versions date back as far as 1974, while another reference is to a version that has never existed. The references to NFPA 13 are informational only, referring employers to the standard as a guide for information on sprinkler installation. Because there have been several substantial changes to NFPA 13 since 1974, Mr. Bizal recommended updating the references to NFPA 13–2010, the latest version available at the time of his email.

According to Mr. Bizal’s research, NFPA 13 has undergone 15 technical revision cycles, each published as a new edition, since 1974. The 1991 edition incorporated an entire rewrite of the standard. In 1994, substantive changes were made to numerous terms, definitions, and descriptions. In 1996, changes were made to requirements pertaining to the application, placement, location, spacing, and use of various types of sprinklers. Extended coverage and fast response sprinkler technology were also discussed. Among other changes, the 1999 edition changed the scope of NFPA to address all sprinkler system applications. Information from NFPA 24, 40, 231, 231C, 231D, 231E, and 231F were included in or referenced by the standard. The 2002 edition updated information on Early Suppression Fast Response sprinklers and the 2007 edition updated information on requirements for the installation and design of seismic bracing for fire sprinkler systems. In 2010, the standard updated information related to rack storage and warehouse protection.

In preparation for implementing this change, Kevin Reinertson, California State Fire Marshal, was contacted for input. He suggested referencing the California Fire Code (CFC), California Code of Regulations, Title 24, Part 9, Section 903.3, “Installation Requirements” for Automatic Sprinkler Systems, instead of NFPA 13 because it not only contains information on the installation of sprinkler systems, but also additional information on fire safety. The CFC, which is available online, free of charge, is also updated regularly to include information from the latest version of NFPA 13.

Automatic fire sprinkler systems are referred to in several Title 8 sections covering fire control for specific

applications. Some of the references include the word “approved”, which is defined in the regulations as referring “to products, materials, devices, systems, or installations that have been approved, listed, labeled, or certified as conforming to applicable governmental or other nationally recognized standards, or applicable scientific principles.” (See Construction Safety Orders, Section 1505 or General Industry Safety Orders (GISO), Section 3206. “Approvals.”) Using this definition of “approved” allows for compliance using a variety of methods, including NFPA 13 and the CFC. Not all references to fire sprinkler systems in Title 8 include the word “approved”; however, according to the Office of the State Fire Marshal, all sprinklers and other fire control systems installed in California must be installed in compliance with CFC or an equivalent approved manner. Therefore, the proposed rulemaking will ensure that the word “approved” is used for all references to sprinklers or other fire protection systems and equipment in order to clarify the requirement and make the regulations more uniform throughout Title 8. Where appropriate, a note, referring the public to the CFC for more information, will be added.

Any references to Title 24 in the text are proposed for deletion. Prior to September 30, 2002, the Board was mandated by Health and Safety Code Section 18943(b) to submit Title 8 building standards to the California Building Standards Commission for their approval and adoption into Title 24, the California Building Code. Assembly Bill 3000 (Stats. 2002. c. 1124) repealed Labor Code Section 142.6 and Health and Safety Code Section 18943(b), thus, exempting the Board from the building standard requirements contained in those statutes. Keeping the Title 24 cross-references could result in confusion, and updating them is unnecessary. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal standards, in that the proposed changes allow for multiple methods of compliance to achieve federal equivalency. Instead of specifically referring to an outdated

NFPA 13 standard, the proposal will allow sprinkler installation in accordance with modern technologies and best practice, which will improve safety.

- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- Is the least burdensome effective alternative. After discussing the proposed changes with the Office of the State Fire Marshal and the Division of Occupational Safety and Health, the text of the current proposal was agreed upon as being the least burdensome effective alternative.

The following actions are proposed:

Section 1933. Fire Control.

Section 1933 contains five subsections (a–e) that address the allowable distance that fire control devices, such as portable fire extinguishers and small hoses, may be located from storage areas for flammable or combustible liquids. It also covers the installation of fire sprinkler systems and mandates that a portable fire extinguisher be available on any vehicle that transports or dispenses flammable or combustible liquids.

Existing subsection (d) requires that “When sprinklers are provided, they shall be installed in an approved manner.” The subsection also states that “The Standard for the Installation of Sprinkler Systems, NFPA 13–1984, provides information on the installation of sprinkler systems.” The latter part of the standard is provided for informational purposes to direct the public to a resource for help in complying with the first sentence in the subsection.

The proposed amendments in subsection (d) will change the reference from the NFPA 13–1984 document to the CFC, Section 903.3, which covers the installation of fire sprinklers, and will include this reference as a note. Referencing the CFC instead of the NFPA will be beneficial to the regulated public because the CFC is available for free online, contains information on fire code topics in addition to fire sprinklers, and is regularly updated to include references to the latest consensus standards, including NFPA 13. No changes will be made to the regulatory requirements of subsection (d).

Section 5541. Flammable and Combustible Liquid Warehouses or Storage Buildings.

Section 5541 covers the amounts of flammable and combustible liquids that may be stored in an area of a warehouse or storage building. Distances between storage piles and adjacent buildings are covered as well as height of storage and aisle width. Two tables in the section provide for the number of gallons of flammable and combustible liquids that may be stored in a location, depending on whether or not the location is protected by sprinklers or an equivalent fire protection system. Beneath each table is a footnote defining protected storage as storage which is protected by “a sprinkler or equivalent fire protection system installed in accordance with the applicable NFPA standard.”

The proposed amendment will replace the words “accordance with the applicable NFPA Standard” with the phrase “an approved manner.” The footnote will read “[Protected storage means] a sprinkler or equivalent fire protection system installed in an approved manner.”

Section 5543. Fire Control.

Section 5543 addresses fire safety measures that must be in place for locations where flammable or combustible liquids are stored. Subsection (b) requires that “When sprinklers are provided, they shall be installed in an approved manner.” This subsection also states that “The Standard for the Installation of Sprinkler Systems, NFPA 13–1974, provides information on the installation of sprinkler systems.” The latter part of the standard is provided for informational purposes to direct the public to a resource for help in complying with the first sentence in this subsection.

The proposed amendments will delete the reference to the NFPA 13–1974 document in subsection (b) and include a new note that references CFC, Section 903.3, which covers the installation of fire sprinklers. Referencing the CFC instead of the NFPA will be beneficial to the regulated public because the CFC is available for free online, contains information on fire code topics in addition to fire sprinklers, and is regularly updated to include references to the latest consensus standards, including NFPA 13. No changes will be made to the regulatory requirements of subsection (b).

Section 5559. Fire Control.

Section 5559 addresses fire safety measures that must be in place where flammable or combustible liquids are processed. Subsection (b) states that approved automatic fire sprinkler systems, or the equivalent, shall be installed when required by regulation. This subsection also states that the installed system shall comply with the applicable NFPA standard.

The proposed amendments will reword this subsection so that it reads similar to other sections on fire protection within Title 8. Additionally, it will add a new note referring the public to the CFC for more information. No changes will be made to the regulatory requirements of subsection (b).

Section 5600. Installation of Tanks Inside of Buildings.

Section 5600 addresses the location and emergency venting of tanks located inside of buildings. It contains an exception which allows for sprinklers “designed in accordance with . . . NFPA 13–1974 [to] be accepted as equivalent to approved water spray systems for purposes of calculating the required air flow rates for emergency [venting].”

The proposed amendments will add the phrase “installed in an approved manner” to the existing regulatory text, similar to other sections on fire protection within Title 8. It will also remove the reference to the NFPA 13–1974 document. Instead of stating that a sprinkler system “may be accepted as equivalent to approved water spray systems”, the word “shall” will be used in place of “may”, clarifying that an automatic sprinkler system designed in accordance with NFPA 13–1974 will be accepted as equivalent to an approved water spray system. Using the word “may” is discouraged in regulatory text because it is permissive, unclear, and indecisive. It denotes that a condition may or may not be acceptable for compliance. In this case, the intent of the regulation is to allow a NFPA 13–1974 sprinkler system to be used in lieu of an approved water spray system. Using the word “shall” does not change the intent of the original regulation, but it does clarify the requirements necessary for compliance.

Referencing the CFC instead of the NFPA will be beneficial to the regulated public because the CFC is available for free online, contains information on fire code topics in addition to fire sprinklers, and is regularly updated to include references to the latest consensus standards, including NFPA 13.

Section 6170. Automatic Sprinkler Systems.

Section 6170 details the requirements for all automatic sprinkler systems installed under the GISO. Subsection (a)(3) states that when required sprinklers are provided, they must meet the design requirements of NFPA 13–1978. The proposed amendments will clarify that all sprinklers, required or not, need to be installed in an approved manner, as defined in GISO, Section 3206 “Approvals”. It will remove the outdated references to NFPA 13–1978 in subsection (a)(3) and in the existing note following subsection (c)(2)(A), and provide a new note following subsection (a)(3) directing the public to the CFC, Section 903.3, which provides information on

the installation of fire sprinklers. Referencing the CFC instead of the NFPA will be beneficial to the regulated public because the CFC is available for free online, contains information on fire code topics in addition to fire sprinklers, and is regularly updated to include references to the latest consensus standards, including NFPA 13.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposed changes provide employers with more options for compliance with federal, state, and local regulations when installing fire sprinkler systems. Instead of specifically referring to an outdated NFPA 13 standard, the changes will allow sprinkler installation in accordance with modern technologies and best practices, which will improve safety. The changes also refer the public to the California Fire Code, which reduces costs by providing free and up-to-date information.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standards do not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will not affect small businesses because the change is for informational purposes only.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

Benefits of the Regulation:

The proposed regulations would provide employers with more options for compliance with federal, state, and local regulations when installing fire sprinkler systems. Also, the proposed changes to the regulations will provide sprinkler installation in accordance with mod-

ern technologies and implement best practices, which also ensures worker safety environment in California.

ALTERNATIVES STATEMENT

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

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **May 10, 2013**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **May 16, 2013**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based is open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Execu-

tive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

DIVISION 4. ALCOHOL AND DRUG PROGRAMS CHAPTER 11. Office of Problem Gambling

New Chapter 11, Sections 15000-15202

NOTICE IS HEREBY GIVEN that the Department of Alcohol and Drug Programs (the Department) proposes to implement a new chapter in the California Code of Regulations (CCR), title 9, sections 15000 through 15202, concerning the Office of Problem Gambling (OPG).

AUTHORITY AND REFERENCE

Government Code section 12838.4 and Health and Safety Code sections 11755, 11835 and 11836.15, authorize the Department to implement proposed regulations. These regulations implement, interpret and make specific Welfare and Institutions Code section 4369.3(b), which authorizes OPG to adopt regulations pursuant to Business and Professions Code section 19954.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

The purpose of a public hearing is to receive oral comments about the proposed regulation. It is not a forum to debate the proposed regulation. No decision regarding the permanent adoption of these regulations

will be rendered at the public hearing. Written or facsimile comments submitted during the prescribed comment period have the same significance and influence as oral comments presented at a public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the regulations coordinator. **THE WRITTEN COMMENT PERIOD ON THIS PROPOSED REGULATORY ACTION WILL COMMENCE ON MARCH 29, 2013, AND WILL CLOSE AT 5:00 P.M. ON MAY 13, 2012.** In order for the comments to be considered by the Department, they must be submitted in writing (by mail, facsimile or e-mail) to Elizabeth Geiger, the Department's Regulation Coordinator, no later than the close of the comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the process for payments to the Gambling Addiction Program Fund (GAPF) made by a gambling enterprise. Business and Professions Code section 19954 requires each gambling enterprise to pay an additional one hundred dollars (\$100) for each authorized table into the GAPF to benefit those who have a gambling addiction.

The policies of the Department with regard to the Office of Problem Gambling have been vetted with the Commission on Gambling Control, who currently collect the monies for the GAPF. The regulations proposed in this rulemaking action would specify that each gambling enterprise will make the GAPF payment directly to the Department of Alcohol and Drug Programs, Office of Problem Gambling for deposit into the Gambling Addiction Program Fund.

The specific benefits anticipated by the proposed adoption will be to streamline the process by which the gambling fees are paid to the State of California, creating more openness as to who is collecting these fees and where they are being deposited. Currently, the fees are collected by the Commission and transferred to ADP. This regulation would allow payments to be sent directly to ADP, thereby streamlining the process and additional workload.

This regulatory adoption is not inconsistent or incompatible with existing state regulations, as the fees were collected through a Memorandum of Understanding with the Commission. Through Realignment legislation, these regulations are even more necessary as by statutes, the Commission will no longer be collecting these fees.

In this regulatory action, the Department proposes a new Chapter 11 in Title 9 which will add the following sections:

Section 15000 is added to clarify who will collect the additional gambling fees related to the GAPF pursuant to Business and Professions Code section 19805.

Section 15100 is added to define certain words pertinent to the gambling enterprise industry.

Section 15200 is added to outline the procedures the Department will follow during the collection of these fees, including, but not limited to invoicing, and it will answer how much is due per authorized table, when the payments are due, and where the payments are due.

Section 15201 is added to make a provision for pro rate fees depending on when the collection process began for each enterprise.

Section 15202 is added as the Department reserves the right to enforce Chapter 11, through either 15202(a) and/or 15202(b). The Gambling Control Commission maintains the right to exercise its authority over each gambling enterprise.

DISCLOSURES REGARDING THE PROPOSED ACTION

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

Fiscal Impact Statement: The Department has made the following initial determinations:

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

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

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

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

Small Business Determination: The Department has determined that the proposed regulation does not have an adverse economic impact on small business. In addition, a gambling enterprise does not meet the definition of a small business.

Other Nondiscretionary Cost or Savings imposed on Local Agencies: None.

Cost or Savings, to State Agency: While the California Gambling Control Commission (CGCC) will be required to propose a regulatory action to amend a form and may require a change in business processes, this regulation will save the CGCC personnel costs and processing time by eliminating the burden of collecting payments on behalf of OPG. The CGCC will no longer collect the payment of GAPF monies, since payments will be sent directly to ADP/OPG for deposit into the GAPF.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

The Department has concluded that it is (1) unlikely the proposal will eliminate any jobs for gambling establishments, (2) unlikely that the proposal will eliminate any existing businesses, (3) unlikely that the proposal will create an unknown number of new businesses or gambling establishments, and (4) unlikely that the proposal will eliminate any existing business.

Benefit of the Proposed Action: The proposed regulation will benefit California residents in that there will not be duplicative collection efforts by the State.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the public comment period.

CONTACT PERSONS

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

Elizabeth Geiger, Regulations Coordinator
Office of Legal Services, ADP
1700 K Street, 5th Floor
Sacramento, CA 95811
Telephone: (916) 327-8973
Facsimile: (916) 327-7516
E-mail: egeiger@adp.ca.gov

For program information regarding this regulatory action, please contact:

Michelle Abe
Office of Problem Gambling
1700 K Street, 2nd Floor
Sacramento, CA 95811
Telephone: (916) 322-1658
Facsimile: (916) 324-8196
E-mail: mabe@adp.ca.gov

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The Department will make the rulemaking file available to the public throughout the rulemaking process at its offices located at 1700 K Street, 5th Floor, Sacramento, California. As of the date this Notice is published in the Office of Administrative Law's Notice Register, the rulemaking file consists of this Notice, Form 400 (Notice of Submission of Regulations), the proposed text of the regulation, Initial Statement of Reasons and Form 399 (Fiscal Impact Statement), and any information upon which the proposal is based. Copies of these documents may be obtained by contacting Elizabeth Geiger at the address and phone number listed above or by visiting the Office of Problem Gambling Website at: www.problemgambling.ca.gov or the Department's website located at <http://www.adp.ca.gov/LAR/reqs.shtml>.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained from the Department's Regulation Coordinator or by visiting the Department's website at: <http://www.adp.ca.gov/LAR/regs.shtml>.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations text to the attention of Elizabeth Geiger, or visit the Department's website at <http://www.adp.ca.gov/LAR/regs.shtml>. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 10. DEPARTMENT OF
INSURANCE**

NOTICE OF INTENTION TO AMEND CONFLICT
OF INTEREST CODE SUBJECT OF
PROPOSED RULEMAKING

Notice is hereby given that the Insurance Commissioner proposes to amend Sections 2690-2690.2 of Subchapter 6, Chapter 5, Title 10 of the California Code of Regulations.

AUTHORITY AND REFERENCE

The Commissioner proposes to amend the regulations under the express authority of California Government Code Section 87306. The proposed regulations will implement, interpret and make specific the provisions of California Government Code Section 87300-87302 and 87306.

PUBLIC HEARING

No public hearing has been scheduled. Any interested person or his or her representative may request a public hearing no later than fifteen (15) days prior to the close of the written comment period.

PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS

All persons are invited to present written comments. Written comments must be addressed to the following contact person:

Lisbeth Landsman–Smith, Attorney
 California Department of Insurance
 300 Capitol Mall, 17th Floor
 Sacramento, CA 95814
 Telephone: (916) 492–3561
 E–mail: landsmanl@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at her address listed above, no later than 5:00 p.m. on May 13, 2013. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e–mail provided they are sent to the following e–mail address: landsmanl@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of the contact person for this proceeding using the following facsimile number: (916) 324–1883. **Comments shall be transmitted by one method only and are subject to the deadline set forth above for written comments. Comments sent to other e–mail addresses or other facsimile numbers will not be accepted. Comments sent by e–mail or facsimile are subject to the deadline for written comments set forth above.**

INFORMATIVE DIGEST

- I. Section 2690. Introduction. The Department makes technical non–substantive amendments to these instructions.
- II. Section 2690.1. Designated Employees. Since 2005, the positions within the Department have changed, such that amendments are required to comply with the Department’s obligation to review its code and revise it. As a result of that review, in addition to technical non–substantive amendments, the Department amends this section as follows:
 - a. Adds branches of the Department to allow for more specific placement of individual classifications and assignment of disclosure categories within the current organizational structure of the Department;
 - b. Deletes the “Insurance Commissioner” from the list because the Commissioner is an elected state officer that is excluded from the Conflict of Interest Code filing requirements pursuant to Government Code Sections 87302 and 87200;
 - c. Amends “All Other Commissioners” to more specifically state which Deputy Commissioners must file and under which disclosure category and places each within the appropriate branch of the Department;
 - d. Deletes “Special Assistants to the Commissioner” because this classification no longer exists;
 - e. Amends “All Administrative Law Judges” to clarify that there is a separate classification for “Chief of the Administrative Hearing Bureau” and places each within the Community Programs Branch of the Department;
 - f. Amends “All Division Chiefs” to place them in the appropriate branches of the Department and to clarify the classification and disclosure category for each;
 - g. Deletes “Chief, Ethics and Operational Compliance Office;”
 - h. Amends “Staff Counsel” to the current classification “Attorney” and places the classification within the Legal and Corporate and Regulatory Affairs branches of the Department;
 - i. Amends “All Insurance Investigators” to current classification “Investigator” and places each within the Enforcement Branch of the Department;
 - j. Amends “All Insurance Compliance Officers” by placing it within the Consumer Services and Market Conduct Branch;
 - k. Amends “Consultants” by placing it in a separate category with “new positions” and deletes the assignment of a disclosure category, substituting a rule for determining the disclosure category;
 - l. Amends “All Investment Officers” by placing the classification within the Community Programs Branch of the Department;
 - m. Amends “All Actuaries” by placing each within the Rate Regulation and Financial Surveillance Branches of the Department and adding the “Chief Actuary” classification to the Financial Surveillance Branch;

- n. Amends “All Insurance Rate Analysts” by placing the classification within the Rate Regulation Branch of the Department;
- o. Amends “All Information Officers” by placing the classification within the Communications and Press Relations Branch of the Department;
- p. Amends “All Insurance Examiners” by placing the classification within the Financial Surveillance Branch of the Department;
- q. Amends “All Staff Services Managers, Licensing Services Division” by placing the classification within the Administrative and Licensing Services Branch of the Department;
- r. Deletes “All Program Technicians, Producer Licensing Bureau” and “Program Technicians, Licensing Background Bureau;”
- s. Amends “Associate Governmental Program Analyst,” “Education Unit, Producer Licensing Bureau” by deleting the “Education Unit, Producer Licensing Bureau” and placing the classification within the Administration and Licensing Services Bureau;
- t. Amends “All Staff Services Analysts, Licensing Background Bureau” by deleting “Licensing Background Bureau” placing it within the Administration and Licensing Services Branch of the Department;
- u. Amends “Chief, Accounting Services Bureau” by placing the classification within the Administration and Licensing Services Branch of the Department and changing the assignment from disclosure category 3 to 4;
- v. Amends “Chief, Human Resources Management Bureau” by changing the classification to a Division Chief and reassigning its disclosure category from 4 to 2;
- w. Deletes “Chief, Administrative Systems,” which no longer exists;
- x. Amends “All Other Staff Services Managers” by placing the classification within the Administration and Licensing Branch, Financial Management Division, of the Department and reassigns the classification from disclosure category 4 to 5;
- y. Amends “All Data Processing Managers” by placing the classification within the Administration and Licensing Services Branch, IT Division, of the Department and reassigns the classification from disclosure category 4 to 6;
- z. Amends “All Contract Analysts and Procurement Staff” by specifying and placing the positions within the Business Management Bureau;
- aa. Deletes “All Information Technology, Staff and Senior Analysts”;
- bb. Deletes “All Information Systems Analysts, Project Management Office;”
- cc. Amends “All Fraud Investigators” by placing the classification within the Enforcement Branch;
- dd. Deletes “All Auditors, Audit Supervisors and all Staff Services Analysts in the Fraud Special Investigative Unit Compliance Review Office.”
- ee. Deletes “All Auditors and Audit Supervisors in the Fraud Grant Unit.”
- ff. Within the Executive office adds:
 - i. “Chief Deputy Commissioner” and assigns disclosure categories 1 and 9;
 - ii. “Chief, Office of Strategic Planning” within the Executive Office of the Department and assigns disclosure category 2;
 - iii. “Chief, Organizational Accountability Office” and assigns disclosure category 1;
 - iv. “Chief, Office of Civil Rights” and assigns disclosure category 2;
- gg. Within the Administration and Licensing Services Branch adds:
 - i. “Deputy Commissioner” and assigns disclosure categories 1 and 9;
 - ii. “Chief, Financial Management Division” and adds disclosure category 1;
 - iii. “Chief, Budget and Revenue Management Bureau” and assigns disclosure category 1;
 - iv. “Chief, Business Management Bureau” and assigns disclosure category 1;
 - v. “Assistant Chief, Business Management Bureau” and assigns disclosure category 1;

- vi. “Associate Governmental Program Analyst, Contracts Unit” and assigns disclosure category 2;
- vii. “Staff Services Analyst, Contracts Unit/Special Projects” and assigns disclosure category 2;
- viii. “Business Services Officer I, Purchasing Unit” and assigns disclosure category 2;
- ix. “Business Services Assistant, Purchasing Unit” and assigns disclosure category 2;
- x. “Assistant Personnel Officer” and assigns disclosure category 5;
- xi. “All Labor Relations Staff” and assigns disclosure category 5;
- xii. “Chief, Information Technology Division” and assigns disclosure category 5;
- xiii. “All Data Processing Managers” and assigns disclosure category 6;
- xiv. “Chief, Licensing Services Division” and assigns disclosure category 3;
- xv. “All Staff Services Managers” in the Licensing Services Division and assigns disclosure category 3;
- xvi. “All Associate Governmental Program Analysts” and assigns disclosure category 3;
- xvii. “All Staff Services Analysts” in the Licensing Services Division and assigns disclosure category 3;
- hh. Within the Administration and Licensing Services Branch assigns:
 - i. Disclosure category 1 to “Chief, Accounting Services Bureau;”
 - ii. Disclosure category 2 to the “Chief, Human Resources Management Division;”
 - iii. Disclosure category 5 to all “Staff Services Managers;”
- ii. Within the Rate Regulation Branch adds:
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “All Bureau Chiefs” and assigns disclosure category 2;
- jj. Within the Rate Regulation Branch assigns:
 - i. Disclosure Category 2 to “All Actuaries;”
 - ii. Disclosure Category 2 to “All Insurance Rate Analysts;”
- kk. Within the Consumer Services and Market Conduct Branch adds:
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “Manager, Administrative Unit” and assigns disclosure category 1;
 - iii. “Chief; Consumer Services Division” and assigns disclosure category 2;
 - iv. “Chief, Consumer Communications Bureau” and assigns disclosure category 2;
 - v. “Chief, Claims Services Bureau” and assigns disclosure category 2;
 - vi. “Chief, Rating and Underwriting Services Bureau” and assigns disclosure category 2;
 - vii. “Chief, Market Conduct Division” and assigns disclosure category 2;
 - viii. “Chief, Health Claims Bureau” and assigns disclosure category 2;
 - ix. “Chief, Field Claims Bureau” and assigns disclosure category 2;
 - x. “Chief, Field Rating and Underwriting Bureau” SF/LA and assigns disclosure category 2;
 - xi. “Chief; Field Rating and Underwriting Bureau” Sac/LA and assigns disclosure category 2;
- ll. Within the Consumer Services and Market Conduct Branch assigns:
 - i. Disclosure category 2 to “All Insurance Compliance Officers;”
- mm. Within the Financial Surveillance Branch adds:
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “Chief, Field Examinations Division” and assigns disclosure category 1;
 - iii. “All Insurance Claims Specialists” and assigns disclosure category 2;
 - iv. “Chief, Financial Analysis Division” and assigns disclosure category 1;
 - v. “Chief Actuary” and assigns disclosure category 1;
- nn. Within the Financial Surveillance Branch assigns:
 - i. Disclosure category 2 to “All Insurance Examiners;”
 - ii. Disclosure category 2 to “All Actuaries;”
- oo. Within the Enforcement Branch adds

- i. “Deputy Commissioner” and assigns disclosure category 1;
- ii. “Chief, Enforcement Branch Headquarters” and assigns disclosure category 2;
- iii. “Chief, Fraud Division” and assigns disclosure category 1;
- iv. “Chief, Investigations Division” and assigns disclosure category 1;
- v. “All Investigators” and assigns disclosure category 2;
- pp. Within the Enforcement Branch assigns:
 - i. Disclosure category 4 to “All Fraud Investigators;”
- qq. Within the Legal Branch, adds:
 - i. “Deputy Commissioner/General Counsel” and assigns disclosure category 1;
 - ii. “Deputy Chief Counsel” and assigns disclosure category 2;
 - iii. “Chief, Government Law Bureau” and assigns disclosure category 2;
 - iv. “Chief, Fraud Liaison Bureau” and assigns disclosure category 2;
 - v. “Chief, Enforcement Bureau” and assigns disclosure category 2;
 - vi. “Chief, Auto Enforcement Bureau” and assigns disclosure category 2;
 - vii. “Chief, Rate Enforcement Bureau” and assigns disclosure category 2;
 - viii. “Chief, Policy Approval Bureau” and assigns disclosure category 2;
 - ix. “Chief, Sacramento Enforcement Bureau” and assigns disclosure category 2;
 - x. “Chief, Health Policy Bureau” and assigns disclosure category 2;
- rr. Within the Legal Branch assigns disclosure category 2 to “All Attorneys;”
- ss. Within the Corporate and Regulatory Affairs Branch adds:
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “Chief, Corporate Affairs Bureau I” and assigns disclosure category 2;
 - iii. “Chief, Corporate Affairs Bureau II” and assigns disclosure category 2;
- tt. Within the Corporate and Regulatory Affairs Branch assigns disclosure category 2 to “All Attorneys;”
- uu. Within the Policy and Planning Branch adds:
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “Chief, Special Projects Division” and assigns disclosure category 2;
 - iii. “Chief, Statistical Analysis Division” and assigns disclosure category 2;
- vv. Within the Community Programs Branch, adds:
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “Chief, Consumer Education and Outreach Bureau” and assigns disclosure category 2;
 - iii. “Supervising Insurance Compliance Officer, Consumer Education and Outreach Bureau” and assigns disclosure category 2;
 - iv. “Chief, Office of the Ombudsman” and assigns disclosure category 2;
 - v. “Chief, Administrative Hearing Bureau” and assigns disclosure category 1;
- ww. Within the Community Programs branch assigns:
 - i. Disclosure category 2 to “All Investment Officers;”
 - ii. Disclosure category 2 to “All Administrative Law Judges;”
- xx. Within the Legislative Branch, adds
 - i. “Deputy Commissioner/Legislative Director” and assigns disclosure category 1;
 - ii. “Assistant Manager, Legislative Director” and assigns disclosure category 2;
 - iii. “Staff Services Manager I” and assigns disclosure category 2;
- yy. Within the Communication and Press Relations Branch, adds
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “Senior Press Secretary” and assigns disclosure category 2;
 - iii. “All Associate Governmental Program Analysts” and assigns disclosure category 5;
- zz. Within the Health Policy and Reform Branch adds
 - i. “Deputy Commissioner” and assigns disclosure category 1;
 - ii. “Health Program Specialists” and assigns disclosure category 2;

- aaa. Adds “Deputy Commissioner/Special Counsel” to the Commissioner and assigns disclosure category 1;
 - bbb. Adds the following Committees/Boards/Commissions
 - i. The “Curriculum Board” and assigns disclosure category 7;
 - ii. The “Fraud Assessment Commission” and assigns disclosure category 8;
 - ccc. Within “All Consultants/New Positions” assigns disclosure pursuant to the broadest category in the code, subject to the Commissioner or his/her designee determining in writing that such full disclosure is not warranted.
- III. Section 2690.2. Disclosure Categories. The Department amends this section as follows:
- a. Category 1 is further clarified to include gifts, loans and travel payments from sources regulated by the Department and also vendors of goods and services to the Department.
 - b. Category 2 is further clarified to include reporting of benefits received from sources that, within the preceding 24 months, have been subject to licensing, enforcement, or oversight. It is also amended to include reporting of benefits received from any vendor that has provided or will provide goods and services to the Department.
 - c. Category 3 is amended to state specific reporting requirements for positions in the Licensing Services Division of the Administration and Licensing Services Branch. It is clarified to include reporting of business positions, gifts, loans and travel payments from sources that provide training or are licensed by the Department.
 - d. Category 4 is amended to state the specific reporting requirements for fraud investigators.
 - e. Category 5 is amended to state the specific reporting requirements for the Chief of the Information Technology Division and adds the FPPC’s standard disclosure language for this IT position.
 - f. Category 6 is added to state the specific reporting requirement for Data Processing Managers in the Information Technology Division and adds the FPPC’s standard disclosure language IT positions.
 - g. Category 7 is added to state the specific reporting requirements for members of the Curriculum Board.

- h. Category 8 is added to state the specific reporting requirements for members of the Fraud Assessment Commission.
- i. Category 9 is added to state the specific reporting requirements for positions involved in making decisions concerning real estate transactions on behalf of the Department.

OTHER STATUTORY REQUIREMENTS

This amendment will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

ALTERNATIVES

The Commissioner has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared a Statement of Reasons that sets forth the reasons for the proposed amendment. The Commissioner also has available all the information upon which this proposed action is based as well as the exact terms of the proposed amendment. The Statement of Reasons and the text of the proposed amendment are available on the Department’s website and may be accessed as explained below.

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above, which currently includes this notice, the proposed text of the regulation, and the initial statement of reasons. Requests for inspection and copying should be directed to the contact person listed above.

AUTOMATIC MAILING

Pursuant to Government Code Section 87311 and 2 CCR Section 18750(c)(6), a copy of this notice, including the informative digest, which contains the general

substance of the proposed regulation, will automatically be sent to all persons required to be notified, including each employee of the Department affected by the proposed amendment.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department’s website. To access them, go to <http://www.insurance.ca.gov>. Find, at the right hand side of the page “Quick Links.” The third item in this column under this heading is “For Insurers”; on the drop-down menu for this item, select “Legal Information.” When the “Insurers: Legal Information” screen appears, click the third item in the list of bulleted items near the top of the page: “Proposed Regulations.” The “Insurers: Proposed Regulations” screen will be displayed. Select the only available link: “Search for Proposed Regulations.” Then, when the “Proposed Regulations” screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter “REG-2012-00026” (the Department’s regulation file number for this regulation) in the search field. Alternatively, search by keywords (“conflict of interest code,” for example). Then, click on the “Submit” button to display links to the various filing documents.

To browse, click on the “Currently Proposed Regulations” link. A list of the names of regulations for which documents are posted will appear.

TITLE 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific PC Sections 2801, 2808, and 2809, propose to amend Section 8000 of Article 1, and adopt Sections 8100, 8101, 8102, 8103, 8103.1, 8104, 8104.1, 8105, 8106, 8107, 8108, 8108.1, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120 and 8121, of new Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Personnel.

PUBLIC HEARING

Date and Time: May 15, 2013 —
10:00 a.m. to 11:00 a.m.
Place: CALPIA Central Office
560 East Natoma Street
Folsom, CA 95630

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **May 15, 2013 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CALPIA, Legal Services Unit, Regulation and Policy Manager, 560 East Natoma Street, Folsom, CA 95630; by fax at (916) 358-2732; or by e-mail at CALPIAregs@calpia.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action to:

Ann Cunningham
Regulations Manager
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711

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

Dawn Eger
Executive Assistant
California Prison Industry Authority
Telephone (916) 358-1711

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed in accordance with Government Code Sections 17500-17630: *None.*
- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the State: *None.*

EFFECT ON HOUSING COSTS

The CALPIA under the authority of the PIB has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The CALPIA under the authority of the PIB has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of state prisons.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CALPIA, as a result of the economic impact assessment, has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California, or the State's environment. The CALPIA identified benefits of these proposed regulations on the health and welfare of California increasing the transparency in business and government, ensuring fairness for CALPIA employees and visitors, and promoting increased efficiency in prison industry operations and employee worker safety.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CALPIA under the authority of the PIB 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 SMALL BUSINESSES

The CALPIA under the authority of the PIB has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

The CALPIA under the authority of the PIB must determine that no reasonable alternative considered by the CALPIA, or that has otherwise been identified and brought to the attention of the CALPIA, 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 pro-

posed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The CALPIA under the authority of the PIB has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the CALPIA's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the PIB may adopt the proposed regulations substantially as described in this Notice. If the CALPIA under the authority of the PIB 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 PIB adopts the regulations as revised.

Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The CALPIA under the authority of the PIB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Evaluation of Inconsistency/Incompatibility with Existing Regulations:

The CALPIA has determined that these proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

Benefits of the Regulations:

The CALPIA has identified anticipated benefits from the proposed regulatory action. The CALPIA identified benefits of these proposed regulations on the health and welfare of California increasing the transparency in business and government, ensuring fairness for CALPIA employees and visitors, and promoting increased efficiency in prison industry operations, employee worker safety and clarity of CALPIA personnel rules and regulations.

Policy Statement Overview:

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) propose to amend Section 8000 of Article 1 and adopt sections 8100, 8101, 8102, 8103, 8103.1, 8104, 8104.1, 8105, 8106, 8107, 8108, 8108.1, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120 and 8121 of new Article 6, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Personnel. This action is necessary to implement, interpret and make specific Penal Code (PC) section 2809 regarding the General Manager's authority to determine personnel rules for CALPIA employees. CALPIA enterprises are located within CDCR facilities and CALPIA employees work closely with CDCR employees. This close connection between CALPIA and CDCR may confuse staff, the public and other state agencies, such that CALPIA's independence from CDCR regarding personnel rules is often indistinguishable. These proposed regulations are necessary to clarify CALPIA's position as distinct from CDCR as is authorized by PC section 2809.

As part of the July 1, 2005 reorganization of CDCR, the Legislature, in SB 737, amended PC sections 2800–2816. Although the CALPIA continues its existence within the newly established CDCR, section 2809 provides the General Manager with the authority to establish recruiting, testing, hiring, promotion, disciplinary and dismissal procedures and practices that meet the unique personnel needs of the authority. The procedures and practices established shall apply to all employees working in enterprises under the jurisdiction of the authority. The statute states, "The general manager shall be the appointing authority for all personnel of the authority other than the general manager." The CALPIA's rulemaking authority is established by PC sections 2801 and 2808, and reinforced by PC section 2809 which identifies the CALPIA general manager as the hiring authority for all CALPIA personnel. CALPIA employees work with CDCR employees within CDCR institutions and facilities where inmates participate in work training programs. CALPIA wants its employees to comply with the same or similar regulatory requirements as those imposed upon CDCR employees to

maintain consistency and avoid disparate treatment in the workplace. Yet, CALPIA employees work under a hiring authority which is separate and distinct from the CDCR hiring authority and, therefore, require their own separate personnel rules. These proposed regulations set forth the personnel requirements for CALPIA employees which are consistent with, yet independent from, the personnel requirements for CDCR employees.

As specified in CCR, Title 1, section 12(b)(1), the CALPIA and the PIB acknowledge that some language contained within these regulations is a re-statement of statute found in PC section 2809 and regulations found in CCR, Title 15, Division 3. In justifying the re-statement of statute and regulation, the CALPIA and the PIB contend the re-statement satisfies Government Code (GC) Section 11349.1(a)(3) by providing clarity to the General Manager's scope of authority and establishing personnel requirements for CALPIA employees that are separate from, yet consistent with, those of CDCR. This clarity eliminates any confusion with regards to CALPIA's autonomy from CDCR with regards to its authority given in PC section 2809, specific to CALPIA personnel. The construction of Chapter 6 of the PC may confuse or be misinterpreted by CALPIA staff, inmate workers and the public regarding the authority of the General Manager as the appointing authority for all personnel of CALPIA and CALPIA's status as an agency separate and independent from CDCR. Statutes specific to CALPIA and the PIB are spread out and are not in one tightly woven format; therefore, re-statement of certain statutes and regulations within these proposed regulations provides a clearer, more condensed format, to alleviate any confusion and enable staff, inmates, and the public in general to more fully understand the CALPIA personnel requirements.

The policies of the CALPIA have been vetted through the public process of the PIB, as required in Penal Code section 2808, subsections (h) and (i), and now are being promulgated through the regulatory process as specified in the APA. The PIB approved the filing of these regulations at its Board Meeting on December 18, 2012. The PIB's Record of Vote and the applicable portion of the transcribed minutes are filed as an attachment to the Initial Statement of Reasons. Non-substantive renumbering of various section numbers was made for clarity purposes. The vote of the PIB was unanimous for the approval of the regulations to be filed with OAL.

PC sections 2801 and 2808 provide CALPIA with implied rulemaking authority. PC section 2809 authorizes the CALPIA to recruit and employ civilian staff as necessary to carry out its purpose and establishes the General Manager as the appointing authority for all personnel of CALPIA. Further, CALPIA may also estab-

lish policies and procedures to recruit, test, hire, promote, discipline, and dismiss employees to encourage civilian employee involvement in the CALPIA productivity goals. Pursuant to section 2809, these policies and procedures shall apply to all employees working in enterprises under the jurisdiction of the CALPIA. This means that the policies and procedures apply to both civilian staff and civil service staff. However, as determined by the Office of the Attorney General (OAG) in 93 Ops. Cal. Atty. Gen. 35, the policies and procedures apply to civil service staff only to the extent that the policies and procedures are consistent with civil service laws and rules.

This action is necessary to create operational consistency and avoid disparate treatment within the CALPIA and its enterprises throughout CDCR institutions and facilities where CALPIA employees oversee inmates who participate in work training programs.

Section 8000 is amended to add the definitions and merge them alphabetically with those that currently exist in the regulations. This provides clarity and consistency and ease of reference for commonly used terms within Division 8 of Title 15.

New Section 8100 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically identifying the General Manager as the appointing authority for all personnel of the CALPIA.

New Section 8101 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to any situation that the General Manager or his or her designee, or the employee's supervisor deems to be an emergency.

New Section 8102 is adopted to implement an identification process for CALPIA employees. All CALPIA employees assigned to work or who are engaged in work at any CALPIA enterprise or CDCR institution/facility may be issued an identification card granting access to prison grounds as required for the performance of their duties.

New Section 8103 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to persons not employed by CALPIA, but who are assigned to or engaged in work at Central Office or any CALPIA enterprise.

New Section 8103.1 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to CALPIA employees who are assigned to or are engaged in work at any CDCR institution/facility.

New Section 8104 is adopted to implement, interpret and make specific provisions of PC 2809 regarding

procedures and practices of the CALPIA, specifically the General Manager's authority to appoint ex-offenders.

New Section 8104.1 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically ex-offender employee transactions.

New Section 8105 is adopted to implement, interpret or make specific provisions of PC 2809, specifically, that CALPIA employees shall practice appropriate conduct while at work in their dealings with inmates, parolees, fellow employees, visitors and members of the public while away from the workplace.

New Section 8106 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically the reporting of arrest or conviction, or change in driving status.

New Section 8107 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to intoxicants and drugs.

New Sections 8108 through 8108.1 are adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, regarding wireless communication devices for CALPIA employees and visitors at CALPIA facilities.

New Section 8109 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically the prohibition against CALPIA employees becoming overly familiar with inmates, parolees, or the friends or family of inmates or parolees.

New Section 8110 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically the prohibition against familiarity in the form of sexual behavior between CALPIA employees and inmates or parolees.

New Section 8111 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, regarding employee and inmate/parolee transactions.

New Section 8112 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically CALPIA employees who know or become aware of any relative or person with whom the employee has or has had either a personal or business relationship is committed to or transferred to the jurisdiction of the CDCR.

New Section 8113 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to vacations of CALPIA employees.

New Section 8114 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to hours of employment of CALPIA employees.

New Section 8115 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to personal information record access and amendment of CALPIA employees.

New Section 8116 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to in-service training of CALPIA employees.

New Section 8117 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to light duty assignment or reasonable accommodations for CALPIA employees.

New Section 8118 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to limited-term light-duty assignments.

New Section 8119 is adopted to implement provisions of Government Code Section 19990 regarding any state officer or employee's employment, activity or enterprise which is clearly inconsistent, incompatible, in conflict with, or hostile or unfriendly to his or her duties as a state officer or employee.

New Section 8120 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to Compensation for Witnesses.

New Section 8121 is adopted to implement, interpret and make specific provisions of PC 2809 regarding procedures and practices of the CALPIA, specifically with regards to grievances.

able Energy (EDF) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves construction, operation, maintenance, and decommissioning of a commercial solar power generating facility. The proposed project will occur approximately five miles north of the rural community of Desert Center, Riverside County, California, on land managed by the Bureau of Land Management (BLM).

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File No. CACA 044919) (BO) and incidental take statement (ITS) to the BLM on January 15, 2013, which considered the effects of the project on the state-threatened and federally threatened desert tortoise (*Gopherus agassizii*).

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

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON A FULLY PROTECTED SPECIES

Genetic Research of the Blunt-nosed Leopard Lizard

The Department of Fish and Wildlife (Department) received a proposal on March 15, 2013 from Dr. Michael F. Westphal, on behalf of the Bureau of Land Management (BLM), Hollister, California, requesting authorization to take the blunt-nosed leopard lizard (*Gambelia sila*) (lizard), for research purposes, consistent with the protection and recovery of the species. The lizard is a Fully Protected reptile, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

The BLM is planning to conduct phylogeographic and population genetic structuring studies of the lizard throughout its range in the San Joaquin Valley, in accordance with non-invasive methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed activities include capture of wild lizards by hand and noose, take of body measurements, collection of tail tip tissue samples, release at the site of capture, and DNA analysis of the tissue samples. Dr. Westphal and any others deemed qualified by the De-

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION
REQUEST FOR
Desert Harvest Solar Project
(2080-2013-002-06)
Riverside County

The Department of Fish and Wildlife (Department) received a notice on March 5, 2013, that EDF Renew-

partment for this purpose would collect tail tip samples in order to estimate population size and population connectivity at multiple spatial scales, and to determine the status of the species throughout its historical range. This method is commonly used for genetic sampling of reptiles and no adverse effects on individual lizards or lizard populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife researchers, with Dr. Westphal as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptile species after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after April 29, 2013, for an initial and renewable term of three years. Contact: Laura Patterson, Laura.Patterson@wildlife.ca.gov, 916-341-6981.

DEPARTMENT OF HEALTH CARE SERVICES

QUALITY ASSURANCE FEE ON SKILLED NURSING FACILITIES FOR THE 2012-13 RATE YEAR

This notice provides information concerning the Quality Assurance Fee (QAF) assessed for all non-exempt Freestanding Skilled Nursing Facilities Level B (FS/NF-B), Freestanding Adult Subacute Nursing Facilities Level B (FSSA/NF-B) and Freestanding Pediatric Subacute Facilities Level B (PSA/NF-B) for rate year August 1, 2012 to July 31, 2013, approved by the Centers for Medicare & Medicaid Services on February 5, 2013. *California Health and Safety Code*, Sections 1324.20 through 1324.30 authorize the Department of Health Care Services (DHCS) to collect a QAF from all non-exempt FS/NF-Bs, FSSA/NF-Bs and PSA/NF-Bs. The purpose of this fee is to enhance federal financial participation in the Medi-Cal program, provide additional reimbursement to, and support quality improvement efforts in, licensed NF-Bs providing services for the Medi-Cal program.

QAF IMPOSED FOR THE 2012-13 RATE YEAR

DHCS will collect the following QAF on a monthly basis:

FS/NF-Bs, FSSA/NF-Bs and PSA/NF-Bs with total annual resident days equal to or greater than 100,000: **\$14.88** per resident day.

FS/NF-Bs, FSSA/NF-Bs and PSA/NF-Bs with total annual resident days less than 100,000: **\$15.61** per resident day.

DHCS will send quarterly notices to each non-exempt NF-B and three monthly payment forms. Payments are due on or before the last day of the month following the month for which the fee is imposed.

PUBLIC REVIEW AND COMMENTS

A copy of the California Health and Safety Code sections 1324.20 through 1324.30 may be requested from, and any comments may be sent to:

Mr. Grant Gassman, Chief
Long Term Care Section
Department of Health Care Services
1501 Capitol Avenue, Suite 71.4001
MS 4612
P.O. Box 997417
Sacramento, CA 95899-7417

DEPARTMENT OF HEALTH CARE SERVICES

Correction to Notice of General Public Interest

Correction on when Public Comment Period Ends Further Review of Medi-Cal Rates Home Health Agency Services for 2001-2005

On March 15, 2013, a Notice of General Public Interest was posted in the California Regulatory Notice Register concerning the fact that the California Department of Health Care Services (DHCS) had completed a further review of Medi-Cal rates for home health agency (HHA) services during the period 2001-2005. This further review was done to comply with a court order issued October 11, 2012 in the case of *California Association for Health Services at Home, et al. v. Department of Health Care Services*. The court order was issued in accordance with the California Court of Appeal decision in *California Association of Health Services at Home, et al. v. State Department of Health Care Services* (March 26, 2012) 204 Cal. App. 4th 676. The notice posted on March 15, 2013 incorrectly stated the deadline for the public to submit written comments. As noted below, written public comments will be considered if received by close of business on April 15, 2013.

In accordance with the court order, DHCS further reviewed whether Medi-Cal beneficiaries had sufficient access to HHA services during 2001-2005 in accor-

dance with 42 United States Code section 1396a(a)(30)(A).

THE FURTHER RATE REVIEW IS AVAILABLE FOR PUBLIC REVIEW

Any interested person may review and make copies of the Further Rate Review by going to the DHCS website at:

<http://www.dhcs.ca.gov/services/medi-cal/Pages/HHAratereview.aspx>

In addition, persons may obtain a copy of the further rate review by submitting a written request to:

John Mendoza, Acting Division Chief
 Fee-For-Service Rates Development Division
 Department of Health Care Services
 1501 Capitol Avenue, MS 4600
 Sacramento, California 95814

or at:

2013HHAcomments@dhcs.ca.gov

PUBLIC HEARING AND WRITTEN PUBLIC COMMENTS

Notice is hereby given that DHCS will hold a public hearing commencing at 10:00 a.m. on April 15, 2013 in the Hearing Room at 1500 Capitol Avenue, Sacramento, California, at which time any person may present both oral and written comments on the further rate review described in this notice.

Written comments can be separately submitted by letter to DHCS to the following address and will be considered if received by close of business April 15, 2013.

John Mendoza, Acting Division Chief
 Fee-For-Service Rates Development Division
 Department of Health Care Services
 1501 Capitol Avenue, MS 4600
 Sacramento, California 95814

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Continuing Education Records and Course Approval
 DPR 13-001

NOTICE OF CHANGE OF DATE OF REGULATORY HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the Department of Pesticide Regulation (DPR) has **rescheduled the**

regulatory hearing originally scheduled for **April 23, 2013, at 9:30 a.m.**, at the California Environmental Protection Agency, 1001 I Street, Sierra Hearing Room, Sacramento, California 95814, regarding proposed amendments to California Code of Regulations, Title 3, Division 6, sections 6512 and 6513 pursuant to the Notice of Proposed Action filed with the Office of Administrative Law and [originally] published on March 8, 2013 (Register Z-2013-0226-06).

The new date and location of the regulatory hearing are as follows:

Date of Hearing: **May 13, 2013**
 Address: **California Environmental Protection Agency
 1001 I Street
 Sierra Hearing Room
 Sacramento, California 95814**
 Time: **1:30 p.m.**
 Registration Time: **1:00 p.m. – 1:30 p.m.**

The written comment period has also been extended. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under the Contact Person in this Notice, must be received by DPR no later than 5:00 p.m. on May 13, 2013.

Attached is the Notice of Proposed Regulatory Action. This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

CONTACT PERSON

If you have any questions or comments, you may direct them to:

Linda Irokawa-Otani, Regulations Coordinator
 1001 I Street, P.O. Box 4015
 Sacramento, California 95812-4015
 Telephone: (916) 445-3991
 FAX: (916) 324-1452
 E-Mail Address: dpr13001@cdpr.ca.gov

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# 2013-0129-04
BOARD OF PHARMACY
Emergency Contraception

This rulemaking by the California State Board of Pharmacy amends section 1746, title 16, of the California Code of Regulations. Specifically, this rulemaking amends the protocol utilized by pharmacists to furnish emergency contraception (EC) drug therapy pursuant to the protocol developed and approved by the Medical Board of California and the California State Board of Pharmacy.

Title 16
California Code of Regulations
AMEND: 1746
Filed 03/13/2013
Effective 07/01/2013
Agency Contact: Carolyn Klein (916) 574-7913

File# 2013-0205-02
CALIFORNIA HORSE RACING BOARD
Maintaining Record of Racing

This change without regulatory effect by the California Horse Racing Commission amends 4 CCR Rule 1462 with regard to recordkeeping of races to reflect the change in ownership of the "Daily Racing Form" and to add Authority and Reference citations.

Title 4
California Code of Regulations
AMEND: 1462
Filed 03/20/2013
Agency Contact: Leeland Turner (916) 263-6026

File# 2013-0129-03
CALIFORNIA LIBRARY SERVICES BOARD
Public Library Programs, Administration

This change without regulatory effect amends three sections and repeals 34 sections of the California Library Services Board due to SB 1044 (Stats. 2012, c. 219, eff. 1/1/2013) that repealed the provisions that required the establishment of a specified advisory board and specified the terms of board members and duties of the board. SB 1044 also repealed the Library of California Act that augmented the services provided under the California Library Services Act, established regional library networks composed of libraries that agree to share services and resources with one another, and also established the Library of California Board. Regulations implementing the Library of California Act are being repealed.

Title 5
California Code of Regulations
AMEND: 20135, 20136, 20140 REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332
Filed 03/13/2013
Agency Contact: Sandy Habbestad (916) 653-7532

File# 2013-0204-04
CALIFORNIA TAX CREDIT ALLOCATION
COMMITTEE
CTCAC Regulations Implementing the Federal and State LIHTC Laws

This File/Print action by the California Tax Credit Allocation Committee amends eight regulations in Title 4 of the California Code of Regulations governing the federal and state Low Income Housing Tax Credit (LIHTC) programs. The amendments were adopted by the Committee at its meeting on January 23, 2013 pursuant to the procedure in Health and Safety Code section 50199.17.

Title 4
California Code of Regulations
AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337
Filed 03/19/2013
Effective 01/23/2013
Agency Contact: Gina Ferguson (916) 651-7707

File# 2013-0130-02
DEPARTMENT OF HEALTH CARE SERVICES
Inpatient Hospital Services for Juveniles In Custody

This change without regulatory effect is pursuant to the recent enactment of AB 396 (Chap. 394, Stats. 2011) which added sections 14053.8 and 14053.9 to the Welfare and Institutions Code. These new provisions require Medi-Cal eligibility to a juvenile inmate who is receiving inpatient hospital services at a medical institution off the grounds of the correctional facility.

Title 22
California Code of Regulations
AMEND: 50273(c)
Filed 03/14/2013
Agency Contact: Jasmin Delacruz (916) 440-7688

File# 2013-0314-02
DEPARTMENT OF INDUSTRIAL RELATIONS
Inspection & Permit Fees, Tanks, & Boilers

This emergency regulatory action increases the hourly inspection fees for, and the charge for mileage associated with, the scheduled inspection of air tanks, liquid petroleum gas tanks and boilers.

Title 8
 California Code of Regulations
 AMEND: 344, 344.1
 Filed 03/18/2013
 Effective 03/18/2013
 Agency Contact: Suzanne P. Marria (510) 286-0634

File# 2013-0201-04
 DEPARTMENT OF INSURANCE
 Workers' Compensation Pure Premium Rates

This action makes amendments to the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, the California Workers' Compensation Experience Rating Plan — 1995 and the Miscellaneous Regulations for the Recording and Reporting of Data. The plans are incorporated by reference in title 10, CCR, sections 2318.6, 2353.1 and 2354 with full text being available at the Insurance Commissioner's offices as well as being published by the Workers' Compensation Insurance Rating Bureau of California, a licensed workers' compensation insurance rating organization.

Title 10
 California Code of Regulations
 AMEND: 2318.6, 2353.1, 2354
 Filed 03/13/2013
 Effective 01/01/2013
 Agency Contact:
 Christopher A. Citko (916) 492-3187

File# 2013-0129-02
 DEPARTMENT OF REHABILITATION
 Order of Selection

This rulemaking action by the Department of Rehabilitation amends the "Order of Selection" rules within title 9 of the California Code of Regulations to clarify how the department prioritizes offered services when financial and human resources are insufficient to provide services to every eligible disabled person.

Title 9
 California Code of Regulations
 AMEND: 7071.2, 7017.5, 7021, 7051, 7053
 Filed 03/13/2013
 Effective 07/01/2013
 Agency Contact: Shelly Risbry (916) 445-4466

File# 2013-0207-02
 DIVISION OF WORKERS' COMPENSATION
 Workers' Compensation — Official Medical Fee Schedule — Inpatient Hospital

These amendments to Title 8 of the California Code of Regulations are exempt from the requirements of the Administrative Procedure Act pursuant to Labor Code section 5307.1. These amendments replace the medical fee schedules in sections 9789.23 and 9789.24 with cross-references to the same data on the Division of Workers' Compensation internet website. The amendments also update provisions of section 9789.25 regarding discharges occurring on or after March 15, 2013.

Title 8
 California Code of Regulations
 AMEND: 9789.23, 9789.24, 9789.25
 Filed 03/13/2013
 Effective 03/15/2013
 Agency Contact: Jarvia Shu (510) 286-0646

File# 2013-0221-01
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Federal OSHA Direct Final Rule — Head Protection

This regulatory action amends the General Industry Safety Orders related to standards for head protection to comply with recent federal rule amendments.

Title 8
 California Code of Regulations
 AMEND: 3381
 Filed 03/14/2013
 Effective 07/01/2013
 Agency Contact: Marley Hart (916) 274-5721

File# 2013-0201-03
 PUBLIC EMPLOYMENT RELATIONS BOARD
 Transfer of SMCS to PERB

This rulemaking by the Public Employment Relations Board (PERB) makes amendments to title 8 of the California Code of Regulations (CCR) primarily intended to reflect the transfer of the State Mediation and Conciliation Service (SMCS) from the Department of Industrial Relations to PERB pursuant to Statutes 2012, Chapter 46, (SB 1038). Pursuant to Government Code section 3600, as adopted by SB 1038, the SMCS is now a division within PERB. This rulemaking adopts sections 32056 and 32121 relating to SMCS, and amends regulatory sections necessary to reflect the statutory

mandated transfer of SMCS to PERB, including both substantive changes and changes without regulatory effect.

Title 8

California Code of Regulations

ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300

Filed 03/18/2013

Effective 07/01/2013

Agency Contact: Jonathan Levy (916)327-8387

File# 2013-0201-02

PUBLIC EMPLOYMENT RELATIONS BOARD

Miscellaneous Regulation Update

The Public Employment Relations Board adopted sections 32091, 61215, 61255, and 61275, amended sections 32132, 32135, 32140, 32147, 32168, 32305, 32320, 32450, 32455, 32615, 32620, 32611, 327987, 61090, 61210, 61220, 61240, 61250, 61260 and 61270, and repealed sections 32613, 32810, 32811, 32812 and 32813 of title 8 of the California Code of Regulations to update and make other revisions to their requirements and procedures.

Title 8

California Code of Regulations

ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813

Filed 03/18/2013

Effective 07/01/2013

Agency Contact: Katharine Nyman (916)327-8386

File#2013-0212-01

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

Enforcement Program Enhancements

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) filed this action to amend five sections and adopt four sections under title 16 of the California Code of Regulations to enhance the Board's mandate of consumer protection pursuant to Business and Professions Code section 2531.02. The regulations establish additional grounds

for denying an application for licensure or for taking disciplinary action against a licensee.

Title 16

California Code of Regulations

ADOPT: 1399.110, 1399.130, 1399.130.1, 1399.156.5 AMEND: 1399.131, 1399.150.3, 1399.151, 1399.155, 1399.156

Filed 03/14/2013

Effective 07/01/2013

Agency Contact:

Annemarie Del Mugnaio (916)263-2909

File# 2013-0306-01

STATE TREASURER

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 for printing only.

Title 2

California Code of Regulations

AMEND: 1897

Filed 03/20/2013

Effective 04/19/2013

Agency Contact: Deborah Yang (916)651-9479

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN October 24, 2012 TO
March 20, 2013**

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

Title 1

11/13/12 AMEND: 1, Appendix A

Title 2

03/20/13 AMEND: 1897

03/12/13 AMEND: 1859.2, 1859.77.3

03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95

02/21/13 AMEND: 599.506

02/14/13 ADOPT: 1896.71, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.83, 1896.84, 1896.88, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97 AMEND: 1896.60, 1896.61, 1896.62, 1896.70,

	1896.72, 1896.73, 1896.74, 1896.75, 1896.80, 1896.90, 1896.99.100, 1896.99.120 REPEAL: 1896.63, 1896.64, 1896.85, 1896.98	11/15/12 AMEND: 3435(b) 10/29/12 ADOPT: 1352.4 AMEND: 1351, 1358.4
01/31/13	AMEND: 649.28	Title 4
01/09/13	ADOPT: 18756	03/20/13 AMEND: 1462
01/08/13	AMEND: 18723, 18730	03/19/13 AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337
01/07/13	AMEND: 18545, 18703.4, 18940.2	03/12/13 AMEND: 5000, 5052
01/07/13	AMEND: 18705.5	02/11/13 AMEND: 10325
01/02/13	AMEND: 22500, 22501, 22502, 22503, 22505, 22506, 22508, 22509 REPEAL: 22504, 22507, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519	02/11/13 AMEND: 8072
12/31/12	ADOPT: 1859.97 AMEND: 1859.2, 1859.90.2	02/07/13 ADOPT: 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112
12/28/12	AMEND: 18410, 18425, 18435, 18465.1, 18550 REPEAL: 18539	02/04/13 AMEND: 8070, 8071, 8072, 8078, 8078.2
12/27/12	AMEND: 649.7	01/28/13 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
12/26/12	ADOPT: 7294.0, 7294.2 AMEND: 7293.5, 7293.6, 7293.7, 7293.8, 7293.9, 7294.0 (renumbered to 7294.1), 7294.1 (renumbered to 7294.3), 7294.2 (renumbered to 7294.4)	01/24/13 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
12/24/12	REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200	01/08/13 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
12/11/12	AMEND: 649.15	12/21/12 ADOPT: 5342, 5343, 5344, 5345, 5346, 5347, 5348
12/06/12	AMEND: 1859.2, 1859.90.2	12/13/12 AMEND: 12391(a)(2)
11/30/12	ADOPT: 7291.4, 7291.7, 7291.14, 7291.18 AMEND: 7291.2, 7291.3, 7291.4 and renumber 7291.5, 7291.5 and renumber 7291.6, 7291.6 and renumber 7291.8, 7291.7 and renumber 7291.9, 7291.9 and renumber 7291.10, 7291.10 and renumber 7291.17, 7291.11, 7291.12, 7291.13, 7291.15, 7291.16 REPEAL: 7291.8, 7291.14	12/03/12 AMEND: 10032, 10033, 10034, 10035
11/29/12	ADOPT: 558.1	11/27/12 ADOPT: 4305, 4309 AMEND: 4300, 4302, 4304, 4306, 4307, 4308
11/28/12	AMEND: 54100	10/30/12 AMEND: 5000, 5052
11/09/12	ADOPT: 599.945.4 AMEND: Article 27.5 heading	10/29/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
11/08/12	AMEND: 18723	Title 5
11/06/12	REPEAL: 56600	03/13/13 AMEND: 20135, 20136, 20140 REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332
11/06/12	REPEAL: 52000	02/12/13 AMEND: 19816, 19816.1, 19839
11/06/12	REPEAL: 52300	02/11/13 AMEND: 40405.1, 40405.4, 40500, 40501, 40505, 40506, 40507, 40508
11/01/12	ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95	02/07/13 ADOPT: 40203
Title 3		02/07/13 ADOPT: 42740
02/28/13	AMEND: 3437(b)	02/06/13 ADOPT: 9517.3
02/27/13	AMEND: 3435(b)	01/17/13 ADOPT: 80053.1 AMEND: 80024.6, 80053
02/25/13	ADOPT: 1180.24 AMEND: 1180.1, 1180.3.2, 1180.20 REPEAL: 1180.24	01/14/13 ADOPT: 80048.3.2 AMEND: 80048.3.1 12/27/12 AMEND: 58108

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 13-Z

12/27/12 AMEND: 55000, 55023, 55040, 55041, 55043, 58161, 58162, 58166 REPEAL: 55030
 12/24/12 ADOPT: 18224.6, 18227, 18227.1 AMEND: 18078, 18409, 18411, 18424, 18426
 12/18/12 AMEND: 76120
 12/13/12 AMEND: 40601
 11/01/12 AMEND: 18407, 18422
 10/31/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627

Title 8

03/18/13 ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300
 03/18/13 ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813
 03/18/13 AMEND: 344, 344.1
 03/14/13 AMEND: 3381
 03/13/13 AMEND: 9789.23, 9789.24, 9789.25
 02/28/13 AMEND: 4309
 01/28/13 ADOPT: 4993.1 AMEND: 1610.3, 1616.3, 4885, 4999, 5001
 01/24/13 AMEND: 3210, 3900
 12/31/12 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12
 12/31/12 ADOPT: 15209 AMEND: 15201, 15210, 15210.1, 15475, 15477, 15481, 15484, 15496, 15497
 12/31/12 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795
 12/31/12 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160
 12/31/12 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3,

9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12
 12/27/12 ADOPT: 9789.25 AMEND: 9789.20, 9789.21, 9789.22
 12/27/12 ADOPT: 9789.39 AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.36, 9789.37, 9789.38
 12/27/12 AMEND: 9795.1, 9795.3
 12/20/12 ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52
 12/10/12 AMEND: 10210, 10211, 10212, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10228, 10229, 10232, 10232.1, 10232.2, 10245, 10250.1, 10252.1, 10253.1, 10270, 10271, 10273, 10290, 10291, 10293, 10294.5, 10297
 10/31/12 ADOPT: 6625.1 AMEND: 6505

Title 9

03/13/13 AMEND: 7071.2, 7017.5, 7021, 7051, 7053
 03/05/13 AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358
 01/17/13 AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358

Title 10

03/13/13 AMEND: 2318.6, 2353.1, 2354
 03/11/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
 03/11/13 AMEND: 2318.6, 2353.1, 2354
 03/04/13 AMEND: 2690, 2690.1, 2690.2
 01/17/13 ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444
 01/11/13 AMEND: 2498.4.9, 2498.5, 2498.6
 12/31/12 AMEND: 2695.8(f), 2695.8(g)
 12/19/12 ADOPT: 2523, 2523.1, 2523.2, 2523.3, 2523.4, 2523.5, 2523.6
 12/17/12 AMEND: 2248.14
 12/11/12 AMEND: 3780
 11/19/12 AMEND: 2698.401
 11/13/12 AMEND: 2498.4.9

Title 11

12/12/12 AMEND: 1081
 11/26/12 AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1051, 1052, 1053, 1054, 1055, 1056,

1057, 1058, 1060, 1070, 1071,
1080,1081, 1082, 1083, 1084, 1950,
1951, 1952, 1953, 1954, 1955, 1956,
1957, 1958, 1959, 1960
11/15/12 AMEND: 1005, 1007, 1008
11/15/12 AMEND: 1005

Title 13
03/07/13 AMEND: 125.12, 125.16, 126.00,
126.02, 127.00, 127.08
02/07/13 AMEND: 2193
01/28/13 ADOPT: 426.00
01/24/13 AMEND: 425.01
01/07/13 AMEND: 553.70
12/31/12 AMEND: 1900, 1956.8, 1960.1, 1961,
1961.2, 1961.3, 1962.1, 1962.2, 1976
12/11/12 AMEND: 2403, 2404, 2407, 2412, 2421,
2423, 2424, 2425, 2425.1, 2426, 2427,
2433, 2447, 2783, 2784
12/10/12 AMEND: 423.00
11/13/12 AMEND: 1200, 1239
11/06/12 ADOPT: 2210, 2211, 2212, 2213, 2214,
2215, 2216, 2217, 2218

Title 14
03/06/13 ADOPT: 1299.01, 1299.02, 1299.03,
1299.03(a), 1299.03(b)(1) and most of
the document incorporated therein by
reference, 1299.03(b)(2)(B),
1299.03(b)(2)(C), 1299.03(c), 1299.04,
1299.05 REPEAL: 1299
03/06/13 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,
1665.5, 1665.6, 1665.7, 1665.8
03/05/13 AMEND: 265, 365, 366, 478, 708.12,
708.16
02/27/13 AMEND: 670.7(e) & (f)
02/25/13 AMEND: 670.5
02/14/13 ADOPT: 15183.3, Appendix M,
Appendix N
02/14/13 AMEND: 27.25, 27.30, 27.35, 27.45,
27.50, 27.65, 28.26, 28.27, 28.28, 28.29,
28.49, 28.54, 28.55, 28.56, 28.58
01/31/13 AMEND: 1270, 1270.02, 1270.03,
1270.04, 1270.05, 1270.06, 1270.07,
1270.08, 1270.09
01/08/13 AMEND: 27.65, 28.30
12/27/12 ADOPT: 1.45, 5.91 AMEND: 1.77, 2.25,
2.30, 4.20, 5.00, 5.05, 5.10, 5.40, 5.60,
5.80, 5.81, 7.00, 7.50, 8.00, 27.85, 27.90,
27.91, 28.90, 28.95, 701
12/20/12 AMEND: 703
11/19/12 AMEND: 632
11/07/12 AMEND: 701
11/06/12 ADOPT: 1052.5 AMEND: 895, 916.9,
1052, 1052.1, 1052.2
11/02/12 AMEND: 163, 164

10/29/12 AMEND: 18660.5, 18660.6, 18660.7,
18660.8, 18660.9, 18660.10, 18660.11,
18660.12, 18660.13, 18660.15,
18660.16, 18660.17, 18660.18,
18660.19, 18660.20, 18660.21,
18660.22, 18660.30, 18660.31,
18660.32, 18660.33, 18660.34,
18660.35, 18660.36, 18660.37,
18660.38, 18660.39, 18660.41, 18660.43

Title 15
03/11/13 AMEND: 3000, 3002, 3021, 3041,
3041.2, 3045.3, 3075.1, 3075.2, 3082,
3103, 3144, 3172.2, 3177, 3230, 3270,
3275, 3278, 3288, 3324, 3338, 3367,
3368, 3369, 3371.1, 3376, 3379, 3380,
3401.5, 3404, 3415 and CDC 345 (Rev.
5/95)
03/04/13 REPEAL: 3999.10
02/25/13 ADOPT: 3375.6 AMEND: 3000, 3375
02/25/13 ADOPT: 3078, 3078.1, 3078.2, 3078.3,
3078.4, 3078.5, 3078.6 AMEND: 3000,
3043, 3075.2, 3097, 3195, 3320, 3323
02/21/13 AMEND: 3000, 3190, 3213, 3334
02/12/13 ADOPT: 8004, 8004.1, 8004.2, 8004.3,
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