



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after **June 18, 2009**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on June 16, 2009.**

.BACKGROUND/OVERVIEW

The Political Reform Act (the “Act”)¹ defines the term “expenditure” as “any payment made for a political purpose.” (Section 82025; Regulation 18225.) An “independent expenditure” is defined as “an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.” (Section 82031.) Despite these definitions, Commission regulations do not currently provide clear rules for determining whether a payment of public moneys by a governmental agency for a communication in connection with a candidate or ballot measure is as an “independent expenditure.” This classification is important because a governmental agency is subject to campaign

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

reporting only if the agency qualifies as a committee under Section 82013.²

In addition, Section 89001 prohibits a mass mailing “sent at public expense.” While the express terms of Section 89001 are extremely broad, Regulation 18901 interpreting Section 89001 limits the prohibition to certain mailings featuring or including the name, office, photograph, or other reference to an elected official affiliated with the agency producing or sending the mailer. Despite the breadth of Section 89001, the Commission does not currently interpret Section 89001 to apply to mailings by governmental agencies paid for with public moneys in connection with a candidate or measure. (Unless of course, the candidate is an elected officer affiliated with the agency and the mailing is prohibited under Regulation 18901.)

Notwithstanding the Commission’s current interpretations of Sections 82031 and 89001 as they apply to communications by governmental agencies paid for with public moneys, the California Supreme Court recently found that an agency’s “expenditure of public funds for materials or activities that reasonably are characterized as campaign materials or activities” presumptively may not be paid for by public funds. On the other hand, the court found that “public agencies may generally publish a ‘fair presentation of facts’ relevant to an election matter.” (*Vargas v. City of Salinas* (April 20, 2009, S 140911) ___ Cal.4th ___.) In determining whether materials or activities can be reasonably characterized as campaign materials or activities, the court found that “the propriety or impropriety of the expenditure *depends upon a careful consideration of such factors as the style, tenor and timing of the publication. . . .*” (*Vargas, supra*, citing *Stanson v. Mott* (1976) 17 Cal.3d 206, 222, italics in original.)

REGULATORY ACTION

In light of the California Supreme Court’s decision in *Vargas*, the Commission will examine and may adopt reporting rules applicable to governmental agencies using public moneys to pay for communications in connection with a candidate or measure. In addition, the commission will examine and may adopt rules pertaining to the applicability of the Act’s mass mailing prohibition to these types of communications. Proposals the Commission will consider include, but are not limited to, the following:

Amend 2 Cal. Code Regs. Section 18420.1:

Amend Regulation 18420.1 to clarify that a governmental agency making a payment of public moneys for

² A government agency that makes independent expenditures totaling \$1000 or more in a calendar year qualifies as a committee under Section 82013(b).

a communication that (1) expressly advocates or (2) unambiguously urges the election or defeat of a candidate or measure has made either a reportable contribution, if the payment was made at the behest of the affected candidate or committee, or an independent expenditure. Furthermore, the proposed amendment specifies that an agency making a payment of public moneys for a communication related to a candidate or measure “unambiguously urges” the election or defeat of the candidate or measure if the communication can be reasonably characterized as campaign material or activity and does not provide a fair presentation of facts serving only an informational purpose when taking into account the style, tenor, and timing of the communication.

Adopt 2 Cal. Code Regs. Section 18901.1:

Adopt Regulation 18901.1 prohibiting a mass mailing by a governmental agency paid for with public moneys if the items sent expressly advocate the election or defeat of a clearly identified candidate or measure, or when taken as a whole and in context, unambiguously urge a particular result in an election. Like proposed Regulation 18420.1, proposed Regulation 18901.1 specifies that an agency making a payment of public moneys for a communication related to a candidate or measure “unambiguously urges” the election or defeat of the candidate or measure if the communication can be reasonably characterized as campaign material or activity and does not provide a fair presentation of facts serving only an informational purpose when taking into account the style, tenor, and timing of the communication.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend,

and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 82013, 82025, 82031, 84200–84225, and 89001.

CONTACT

Any inquiries should be made to Brian G. Lau, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?ID=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **June 18, 2009** at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on June 16, 2009.**

BACKGROUND/OVERVIEW

Government Code Section 84506.6 was added to the Political Reform Act by Stats. 2007, Ch. 495, to require that an advertisement supporting or opposing a candidate that is paid for by an independent expenditure include a statement that it was not authorized by a candidate or committee controlled by a candidate. Title 2, Section 18450.4 implements a series of related advertising disclosure statutes, but has not yet been amended to reference this newly–enacted statute. In addition, questions from the public indicate a need to more fully illustrate the term “over size print media” in subdivision (e)(4) of the current regulation.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18450.4:

The proposed amendment implements Government Code Section 84506.5 by specifying that the statute is

subject to the advertising disclosure rules stated at 2 Cal. Code Regs. Section 18450.4. The regulation is also amended to include campaign “yard signs” as an example of “over size print media” within the regulation’s definition of this term.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Section 84506.5.

CONTACT

Any inquiries should be made to Lawrence T. Woodlock, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?ID=247#2>.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt, amend or repeal the regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the regulation before its adoption, amendment, or repeal.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **June 18, 2009**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **June 16, 2009**.

BACKGROUND/OVERVIEW

The Commission must adjust the gift limit, contribution limits, voluntary expenditure ceilings, officeholder account and aggregate officeholder account limits to reflect changes in the Consumer Price Index by January 1 of each odd numbered year as required respectively under Sections 89303(f), 83124 and 85316. Currently, the Commission uses the September forecast of U.S. Bureau of Labor Statistics California Consumer Price Index for All Urban Consumers for the calendar year immediately preceding the year in which the adjustment is to take effect to adjust all of these figures. The September forecast is used because it is available before January 1 of every odd numbered year. The final Consumer Price Index for each year is not available until January or February of the proceeding year. Therefore, it is not possible to use the final Consumer Price Index for the preceding even numbered year to adjust the limits by January 1 of each odd numbered year as required. In order to have the limits adjusted by January 1 of every odd numbered year, Regulation 18544(c) directs the Commission to use the September forecast of the California Consumer Price Index to adjust the Contribution limits. Regulation 18940.2 also states that the California Consumer Price Index be used to adjust the gift limit. However, this regulation does not specifically state that the *September* forecast of the California Consumer Price Index be used to adjust the limit. In reality, the Commission uses the September forecast of the California Consumer Price Index to adjust all of these limits in order for them to be adjusted by the January 1 deadline. The language for the two regulations relating to this adjustment currently reads as follows:

Regulation 18544(c) Contribution Limit Adjustment

“The adjustments shall be based upon the September forecast of U.S. Bureau of Labor Statistics California Consumer Price Index for All Urban Consumers for the

calendar year immediately preceding the year in which the adjustment is to take effect.”

Regulation 18940.2(c) Gift Limit

“The gift limitation adjustment shall be based on the California Consumer Price Index for All Urban Consumers based on Consumer Price Index data obtained from the United States Bureau of Labor Statistics for the calendar year immediately preceding the year in which the adjustment is to take effect.”

This proposed amendment seeks to replace the current language in Regulation 18940.2(c) with the same language used in Regulation 18544(c) in order to provide greater clarity to the public as to how the adjustment figures are calculated.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18940.2(c) to read:

The Commission may consider whether to adopt an amendment to Regulation 18940.2(c). Following is the proposed amendment language:

“The adjustments shall be based upon the September forecast of U.S. Bureau of Labor Statistics California Consumer Price Index for All Urban Consumers for the calendar year immediately preceding the year in which the adjustment is to take effect.”

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 89503 and 87103.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Counsel, Legal Division, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.html?id=351>.

TITLE 2. LEGISLATIVE COUNSEL BUREAU

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE LEGISLATIVE COUNSEL BUREAU

NOTICE IS HEREBY GIVEN that the Legislative Counsel Bureau, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes to amend its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 to 87302, inclusive, and Section 87306 of the Government Code.

The Legislative Counsel Bureau proposes to amend its Conflict of Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment designates one position in the Administration Division for disclosure. This amendment designates two additional positions in the Legal Division, which are the Business Services Officer II and the Senior Librarian, for disclosure. This amendment also designates employee positions in the Legislative Data Center for disclosure to reflect the current organizational structure of the Legislative Data Center. Legislative Data Center employees designated for disclosure are the Chief Deputy Directors, Deputy Directors, Information Systems Managers, Information Systems Supervisors, and Information Technology Specialists in Contracts and Procurement. Copies of the proposed amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than June 30, 2009, which is the end of a 45-day

comment period beginning on May 15, 2009, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than June 15, 2009, by contacting the Contact Person set forth below.

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

The Legislative Counsel Bureau has determined that the proposed amendments:

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

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to the Contact Person listed below:

(Name) Jeffrey A. DeLand, Chief Deputy
Legislative Counsel
(Address) 925 L Street, Suite 900, Sacramento,
CA 95814
(Telephone
Number) (916) 341-8300
(E-mail
Address) jeff.deland@legislativecounsel.ca.gov

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING INTERIM APPROVAL OF BINGO CARD-MINDING DEVICES CGCC-GCA-2009-01-C

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest. Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the action proposed at a public hearing to be held at 10:00 a.m. on July 2, 2009, at 2399 Gateway Oaks Drive, First Floor Hearing Room, Sacramento, CA 95833-4231.

WRITTEN COMMENT PERIOD

Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, may be submitted to the Commission at any time during the public comment period, or may be received by the Commission at the above referenced hearing. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on July 2, 2009**. Written comments not submitted at the hearing should be directed to one of the individuals designated in this notice as a contact person. **Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as

contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19850.5 and 19850.6 of the Business and Professions Code, and section 326.5 of the Penal Code; and to implement, interpret or make specific Sections 19850.5 and 19850.6 of the Business and Professions Code, and section 326.5 of the Penal Code; the Commission is proposing the following changes to Chapter 8 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The California Gambling Control Commission (Commission) has been specifically directed, pursuant to Business and Professions Code section 19850.6, subdivision (a), to adopt regulations to implement the California Remote Caller Bingo Act (CRCBA¹). The Commission is proposing to adopt regulations that will establish a process for granting interim approval of bingo card-minding devices used in the play of bingo games. The adoption of the proposed regulations will implement one element of the CRCBA, as mandated by Penal Code section 326.5.

SPECIFIC PROPOSAL:

This proposal would make permanent the emergency regulations in Section 12486 of Chapter 8 of Division 18 of Title 4 of the California Code of Regulations. Section 12486 establishes a process and criteria for the interim approval of bingo card-minding devices and any modifications to approved devices, as required by Penal Code section 326.5(p). This proposal requires the chief executive officer of the card-minding device manufacturer to self-certify, under penalty of perjury, that the device meets all requirements under the Penal Code, and establishes a process for the review and consideration of applications by the Commission.

EXISTING LAW:

Effective January 1, 2009, Penal Code section 326.5, subdivision (o), provides that electronic or video displays shall not be used in connection with the game of bingo, except in connection with the caller's drawing of the numbers or symbols, public display of that drawing,

and except in connection with the use of hand-held, portable card-minding devices used by players who are physically present at a bingo game. Subdivision (p) provides that players who are physically present at a bingo game may use hand-held, portable card-minding devices that meet specified requirements to assist in monitoring the numbers or symbols announced in a live game. This subdivision also requires that the Commission approve any card-minding device in advance of its use.

Section 12486, Title 4, Division 18, Chapter 8, California Code of Regulations, currently establishes requirements for the interim approval of card-minding devices, and any modifications to approved devices, as well as the use of those devices in the play of bingo.

EFFECT OF REGULATORY ACTION:

This proposed action permanently establishes Chapter 8 in Division 18 of Title 4 of the California Code of Regulations, as follows:

- Article 2 is established to reflect the title "Bingo Equipment, Devices, and Supplies."
- Section 12486 is established within Article 2 to reflect the title "Approval of Card-Minding Devices" to create an interim approval process for card-minding devices until such time as additional criteria for approval are established in Commission regulation. Subsection (a) imposes the following conditions for approval:
 - 1) Paragraph (1) sets the interim approval term at one year from the date granted or until regulations specifying additional criteria for approval become effective, whichever is later.
 - 2) Paragraph (2) states that an interim approval does not obligate the Commission to grant a regular approval and does not create a vested right in the holder to either an extension of an interim approval or the granting of a subsequent regular approval.
 - 3) Paragraph (3) states that an interim approval does not change the legal requirement that the applicant bears the burden of establishing device compliance.
 - 4) Paragraph (4) clarifies that interim approval of a specific card-minding device has no bearing on whether the manufacturer of the device will qualify for a Commission license, and states that an interim approval for a device will be cancelled if the manufacturer is ineligible for licensure.
 - 5) Paragraph (5) establishes a procedure for the cancellation of an interim approval. A notice

¹ Chapter 748, Statutes of 2008 (SB 1369, Cedillio and Battin, et al.)

will be given to the manufacturer, by the Executive Director of the Commission, in the form of an order to show cause as to why the device's approval should not be cancelled. The manufacturer will have at least 30 days, but not more than 90 days, to respond to the order in writing. The matter will then be set for consideration at a Commission hearing, which will be conducted in accordance with applicable provisions of Section 12050(b).

- Subsection (b) states that a specific model of card-minding devices and its designated software version shall be deemed approved if specified requirements are satisfied.
 - 1) Paragraph (1):
 - Requires the chief executive officer or other authorized representative of the entity that manufactures the card-minding device to self-certify, under penalty of perjury, that the specific card-minding device meets requirements established in statute.
 - Provides for the use of Form CGCC-615, "Application for Interim Approval of Bingo Card-Minding Devices" (Rev.05/09).
 - Establishes a \$50 application fee for each model and its designated software for which approval is being requested.
- Subsection (c) requires a new approval of any device that has undergone a material software upgrade, as required pursuant to Penal Code section 326.5(p)(3)(A).
- Subsection (d) requires that players, when using a card-minding device, manually input the numbers or symbols announced in the game into the device, and specifically prohibits automatic daubing, as defined. This subsection also requires that any card-minding device possessing automatic daubing capability have that capability disabled as a condition of approval.
- Subsection (e) establishes the process for review and consideration of applications for approval by the Commission.
- Attachment (A) to Chapter 8 provides the form to collect information regarding the manufacturer of the bingo card-minding device and the specifications of the device [CGCC-615 (Rev. 05/09)]. The included form is an amendment to the form CGCC-615 (New 11/08), and has been amended to clarify that a bingo card-minding device must be both hand-held and portable to qualify for approval.

FISCAL IMPACT ESTIMATES

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

None.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:

None.

LOCAL MANDATE:

None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500-17630 REQUIRE REIMBURSEMENT:

None.

IMPACT ON BUSINESS:

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

IMPACT ON JOBS/NEW BUSINESSES:

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, and that are known to the Commission are:

- \$50 application fee for each card-minding device or associated software for which approval is being sought.

EFFECT ON HOUSING COSTS:

None.

EFFECT ON SMALL BUSINESS:

The Commission has determined that the proposed regulatory action may affect small businesses if any bingo card-minding device manufacturer qualifies as a small business.

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

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commis-

sion or that has otherwise been identified and brought to the attention of the Commission would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

**INITIAL STATEMENT OF REASONS,
INFORMATION AND TEXT OF PROPOSAL**

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

James B. Allen, Regulatory Actions Manager
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220, Sacramento,
CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: Jallen@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information

upon which the proposed action is based should be directed to the following **backup** contact person:

Joy Calkin, Staff Services Analyst
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220, Sacramento,
CA 95833-4231
Telephone: (916) 263-0700
Fax: (916) 263-0499
E-mail: Jcalkin@cgcc.ca.gov

WEB SITE ACCESS

Materials regarding this proposed action are also posted on the Commission's Web site at www.cgcc.ca.gov.

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

NOTICE OF PROPOSED REGULATIONS

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5, Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Sections 3000, 3173.1, 3176, 3176.3, 3315, and 3323 in the California Code of Regulations (CCR), Title 15 concerning visiting restrictions with minors.

PUBLIC HEARING

Date and Time: July 7, 2009 — 9:00 a.m. to 10:00 a.m.
Place: Office of Training & Professional
Development
Pilot Hill Room
10000 Goethe Road — Suite B-1
Sacramento, CA 95827
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, July 7, 2009, 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 CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 255-5500

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

Kelly Medina, CCII
Regulation and Policy Management Branch
Telephone (916) 255-5593

Questions regarding the substance of the proposed regulatory action should be directed to:

Joe Rouse, CCIII
Division of Adult Institutions, FOPS
Telephone (916) 324-0762

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

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 nec-

essarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department 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.

EFFECT ON SMALL BUSINESSES

The Department 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 business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department 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.

CONSIDERATION OF ALTERNATIVES

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

proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action amends provisions governing the searches and inspections for visitors within the California Department of Corrections and Rehabilitation (Department). California Code of Regulations, Sections 3000, 3173.1, 3176, 3176.3, 3315 and 3323 are being amended or adopted to provide guidance for the Senior Hearing Officer (SHO) when assessing penalties for sexual activity during a visit, which will provide consistency and likely decrease the number of appeals. This revision also provides a reference for the duration of suspensions / exclusions of visitors for first, second and third offenses which will provide consistency throughout the CDCR. Additionally, this change would bring subsection 3173.1(b) into harmony with subsection 3173.1(d) by permitting contact visits with non-victim minors if approved by an Institution Classification Committee (ICC).
- These regulations are necessary based on the need to ensure that proper legal standards are followed when the CDCR brings an action against an inmate for sexual activity while visiting depending on whether the activity is with an adult or a minor.

TITLE 19. STATE FIRE MARSHAL

NOTICE OF PROPOSED RULEMAKING

OFFICE OF THE STATE FIRE MARSHAL California Code of Regulations — Title 19

The State Fire Marshal proposes to adopt regulations to the California Administrative Code (CCR), Title 19, Division 1 as described below after considering all comments, objections or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, the State Fire Marshal will accept written comments regarding this regulatory action for 45 days beginning May 15, 2009 until 5:00 p.m. on June 29, 2009.

Please address your comments to:

OFFICE OF THE STATE FIRE MARSHAL
Attention: Diane Arend, Regulations
Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written Comments may also be faxed to (916) 445-8459 or E-mailed to flamethrower@fire.ca.gov.

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, pursuant to Government Code Section 11346.5(a)(17), the State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period.

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section(s): 12756 and 12759 with reference to 12750, 12756, 12757, 12758, 12759 and 12760, Health and Safety Code.

INFORMATIVE DIGEST — POLICY STATEMENT OVERVIEW

The State Fire Marshal proposes to adopt: Title 19 CCR, Division 1, Chapter 6.5, Section(s) 1054 through 1067 Flamethrowing Devices. The State Fire Marshal proposes to adopt these regulations pursuant to Health and Safety Code Sections 12756 and 12759 that requires the State Fire Marshal to develop regulations and establish fees for the use, storage, possession, transportation, and permitting of flamethrowing devices. These proposed regulations will establish the requirements for the use, storage, possession, and transportation of flamethrowing devices. In addition, the proposed regulations will establish a fee structure for both obtaining and retaining a flamethrowing devices permit. These proposed regulations will establish a Flamethrowing Device Permit and establish a \$425 fee and a \$25 fee for a replacement permit if the original is lost or destroyed. These proposed regulations will also establish a Flamethrowing Device self-certification for those individuals who possess a Special Effects license issued from the State Fire Marshal and have demonstrated their ability to safely handle flamethrowing type devices. State law authorizes the State Fire Marshal to establish fees to support the operation of the State Fire Marshal Program which includes inspections, re-inspections and investigations. The funds are deposited into a separate State Fire Marshal Licensing and Certification Fund pursuant to Health and Safety Code Section 13137 and 12759.

The State Fire Marshal modeled the proposed regulations after existing Department of Justice (DOJ) regulations and utilized the recommendations of the State Fire Marshal Flamethrowing Devices workgroup in developing the proposed regulations and license fees. None

of the proposed regulations are any more restrictive than those which were in effect at DOJ.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500–17630: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on representative private persons or affected businesses: The State Fire Marshal is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
8. Adoption of these regulations **will not**:
 - a) create or eliminate jobs within California;
 - b) create new businesses or eliminate existing businesses within California; or
 - c) affect the expansion of businesses currently doing business within California.
7. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS

The State Fire Marshal (SFM) has made the initial determination that the fees proposed to these regulations will have no substantial effect on small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The State Fire Marshal proposed regulations do not have an impact on small business in that these regulations will allow individuals who currently possess a SFM Special Effects License and are already identified and tracked in the SFM database to obtain a Flamethrowing Devices permit. Therefore it is more efficient and cost effective to only require these currently licensed individuals submit the self-certification form and a copy of their Certificate of Eligibility from the DOJ in order to be permitted to use, store and/or transport flamethrowing devices.

The express terms of the proposed action are written in plain English and are available from the agency contact person.

CONSIDERATION OF ALTERNATIVES

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

The State Fire Marshal 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 PERSON

Inquiries concerning the proposed regulatory action or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to:

Diane Arend, Senior Deputy State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 324-9592
Fax: (916) 445-8459
E-mail: diane.arend@fire.ca.gov

Alternate Contact:

Al Adams, Senior Deputy State Fire Marshal
602 E. Huntington Drive, Suite A
Monrovia, California 91016
Telephone: (310) 217-6927
E-mail: Al.Adams@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of this date, this notice is published in the Notice Register. The State Fire Marshal has prepared a statement of reasons for the proposed action. The full text of the regulations, along with the statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Diane Arend at the address or

telephone number listed above or through our website at <http://osfm.fire.ca.gov>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes indicated — shall be made available to the public for at least 15 days prior to the date on which the State Fire Marshal adopts, amends or repeals the regulations. Requests for copies of any modified regulations should be sent to the contact person at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by request to the contact person named above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikethrough, can be accessed through our website at <http://osfm.fire.ca.gov> or <http://osfm.fire.ca.gov/codedevelopment/codedevelopment.php>.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Adoption of Title 22, California Code of Regulations Section 2706-7

FAMILY TEMPORARY DISABILITY INSURANCE BENEFITS PENDING APPEAL

Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to adopt California Code of Regula-

tions (CCR), title 22, section 2706–7, in order to establish the distinct requirements and proper regulatory references when determining whether a claimant is eligible or ineligible to receive payment of Family Temporary Disability Insurance (FTDI) benefits pending an appeal.

The Department will adopt this regulation after considering all comments, objections, or recommendations regarding the proposed regulatory action.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The State Disability Insurance (SDI) program was established in 1946 to provide a partial wage replacement to eligible workers who were unable to perform their regular or customary work due to an illness or injury that was not work related. The enactment of Senate Bill (SB) 1661 (Chapter 901, Statutes 2002) and SB 727 (Chapter 797, Statutes 2003) established the FTDI program, also known as the Paid Family Leave (PFL) program, as a component of the SDI program.

The FTDI benefit expands the scope of the SDI program to provide partial wage replacement to workers taking family care leave and is administered by the Department in accordance with the provisions of Part 2 (commencing with section 2601) of the California Unemployment Insurance Code (code). FTDI benefits are provided to workers who are unable to perform their regular or customary work when taking family care leave to either provide care for a seriously ill child, spouse, parent, registered domestic partner or bond with a new child. FTDI benefits became available for eligible workers as of July 1, 2004.

Title 22, section 2706–5 of the CCR establishes criteria which provide that Disability Insurance (DI) benefit payments may continue in situations where the Department initially determines a claimant eligible for benefits, but thereafter determines the claimant ineligible or disqualified for further benefits, and the claimant files an appeal as a result of the subsequent determination. This section was established specifically to address circumstances related to DI benefits as a result of a claimant’s own illness or injury; however, it does not provide sufficient criteria applicable for the payment of FTDI benefits pending an appeal by a claimant as a result of taking family care leave.

Under code sections 305 and 306, the Department is authorized to adopt, amend, or repeal regulations for the administration of the functions of the Department. Under code sections 2625, 2706, and 2708, SDI benefits are payable from the Disability Fund to individuals who file a claim for benefits in accordance with authorized

regulations and are eligible to receive such benefit payments.

Currently, the provisions of section 2706–5 of the CCR prescribe requirements for the administration of DI benefits pending appeal by a claimant. The provisions within section 2706–5 of the CCR are exclusive to DI benefits and are not applicable to FTDI benefits. Thus, the adoption of section 2706–7 is necessary to establish the distinct requirements and proper regulatory references when determining whether a claimant is eligible or ineligible to receive payment of FTDI benefits pending an appeal.

Authority and Reference:

Authority: Sections 305, 306, 2706 and 3300, Unemployment Insurance Code. Reference: Sections 1335, 1336 and 2706, Unemployment insurance Code.

Fiscal Impact:

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact:

The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The proposed regulation will help clarify existing regulations by establishing new provisions focused primarily on determining eligibility for payment of FTDI benefits pending an appeal without imposing any new requirements on businesses. The Department has determined that the proposed regulation will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The cost impact on representative 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.

Anticipated impact on housing costs: The proposed regulation will have no effect on housing costs.

Anticipated non-discretionary costs or savings imposed upon local agencies: None

Small Business Impact:

The proposed regulation in and of itself will have no effect on small businesses. The proposed regulation will help clarify existing regulations by establishing new provisions focused on determining eligibility for payment of FTDI benefits pending an appeal without imposing any new requirements on small business. The proposed regulation does not require that small businesses take any action or refrain from taking any action in regards to conducting business.

Local Mandate Determination:

The Department has determined that the proposed regulation will not impose any new mandates on school districts or other local governmental agencies or any new mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

Consideration of Alternatives:

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

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than June 29, 2009, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

Contact Persons

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi, Legal Analyst
Employment Development
Department
P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi, Legal Analyst
Employment Development
Department
800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Telephone No.: (916) 654-7712
Fax No.: (916) 654-9069
E-mail Address: eddlegal@edd.ca.gov

Note: in the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers, Legal Analyst
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed to:

Name: Estela Gallawa, Staff Counsel
Telephone No.: (916) 654-8410

Internet Website Access

The Department has posted on its internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed Regulations."

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on June 29, 2009.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To

obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

The Department has prepared and has available for review, upon request, the text of the proposed regulations discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the proposed regulations; and the information upon which the Department relied in proposing the regulations. (If you received this notice by mail, a copy of the text of the proposed regulations and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations process, contact the persons noted above.

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT —
ACCESS COMPLIANCE (DSA-AC)**

**REGARDING THE PROPOSED CHANGES
TO ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 1**

**AMEND ARTICLE 5-104 IN
CHAPTER 5 OF PART 1**

Notice is hereby given that the State and Consumer Services Agency, (SCSA) on behalf of Division of The State Architect-Access Compliance, proposes to the California Building Standards Commission (CBSC) to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1 related to section 5-104(a), Part 1, Title 24, California Code of Regulations.

PUBLIC COMMENT PERIOD

Written comments will be accepted by the California Building Standards Commission regarding the pro-

posed changes from May 15, 2009 until 5:00 p.m. on June 29, 2009.

Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 prior to the close of the written comment period that a public hearing be held.

**POST-HEARING MODIFICATIONS TO
THE TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code Sections 4450, 4454, and 12955.1.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 18930 states any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting

agency or state agency that proposes the building standards which shall, to the satisfaction of the Building Standards Commission, justify the approval thereof in terms of criteria for costs and benefits.

Section 18949.1 of the Health and Safety Code states that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the California Building Standards Commission.

Section 4450 of the Government Code authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

Section 4454(f) of the Government Code states the Department of General Services, Division of the State Architect, shall include the cost of carrying out the responsibilities identified in this chapter as part of the plan review costs in determining fees.

Section 12955.1(d) of the Government Code authorizes the State Architect to establish building standards for public housing.

Summary of Existing Regulations

Existing administrative standards allows the Division of the State Architect to collect fees as a percentage of the estimated construction costs for projects submitted for plan review. These fees are intended to fund all accessibility services. The Division of the State Architect is the Access code developer for commercial buildings, public schools K–12, community colleges, state universities, publicly funded charter schools, all state owned and/or state leased properties, low-income housing and essential services buildings. These administrative standards are contained in Title 24, Part 1, Chapter 5, Section 5–104.

Summary of Effect

Disability Access Account funds, pursuant to Government Code Sections 4454(f) and 4459(b), are used to perform regulatory development, in addition to plan review operational costs. The fees are deposited into the Disability Access Account pursuant to Government Code Section 4454(d). California Building Standards Administrative Code, Title 24, Part 1, Section 5–104 establishes the fee schedule. The current fee schedule has been in place since 1990, and this proposal would amend Section 5–104 to increase the fees to keep up with agency expenditures for the development of accessibility compliance standards, the increase in overall workload and provisions for field oversight.

Comparable Federal Statute or Regulations

Federal Certification of Title 24 Access Compliance has been in progress for several years.

Policy Statement Overview

The Disability Access Account current fee structure for the Division of the State Architect–Access Compliance (DSA–AC) activities was established through the California Building Standards Commission in 1990. This fee structure has remained unchanged for 19 years, and revenues have not been keeping up with expenditures for the development of accessibility compliance standards, the increase in overall workload and provisions for field oversight.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

None. There are no other matters prescribed by statute applicable to the DSA–AC, or to any specific regulation or class of regulations. This amendment does not create a change in regulatory effect.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The DSA–AC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **Costs for DSA accessibility fees for state buildings and essential buildings are projected to at least double with this fee structure proposal.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **Costs for DSA accessibility fees for K–12 public school facilities and community college facilities are projected to at least double with this fee structure proposal.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **Costs for DSA accessibility fees for K–12 public school facilities and community college facilities are projected to at least double with this fee structure proposal.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The DSA-AC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

DSA-AC has identified no documents, testimony, or other evidence to support its initial determination of no adverse impact.

FINDING OF NECESSITY FOR THE
PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed regulatory action does not require a report by any business or agency, therefore DSA-AC has not made a finding of necessity for public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS

DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

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

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

DSA-AC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

DSA-AC has determined that this proposed action has no effect. This amendment does not create a change in regulatory effect.

- The creation of new businesses or the elimination of existing businesses within the State of California.

DSA-AC has determined that this proposed action has no effect. This amendment does not create a change in regulatory effect.

- The expansion of businesses currently doing business with the State of California.

DSA-AC has determined that this proposed action has no effect. This amendment does not create a change in regulatory effect.

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS

DSA-AC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

DSA-AC has determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of DSA-AC would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Erika Keeler, Erika.keeler@dgs.ca.gov
Jane Taylor, jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916

Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Rene Gutierrez Ph. (916)651-0991
Rene.gutierrez@scsa.ca.gov

State and Consumer Services Agency
915 Capitol Mall, Suite 200
Sacramento, CA 95814

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication May 15, 2009
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Monitoring California Black Rails

The Department of Fish and Game (“Department”) received a request on April 28, 2009, from Mr. Patrick Del Pizzo, San Diego, requesting authorization to take California Black Rails (*Laterallus jamaicensis coturniculus*), Fully Protected Birds, for research purposes, consistent with the protection and recovery of these species.

The applicant is in the process of obtaining the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from DFG for research on Fully Protected species. The proposed activities include approaching California black rail nesting areas throughout the range of the species to gather necessary data used in monitoring nesting status, habitat suitability and habitat assessments, and to identify threats from humans and predators. Data would be collected by broadcasting calls in and around known and potential breeding habitat as well as through the capture, measure, weighing, banding, and release of live birds. DFG intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds 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 3511 for take of Fully Protected Birds, it would issue the authorization on or after June 15, 2009, for a term of two to three years. The term may be expanded with Department authorization. Contact: Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication May 15, 2009
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Monitoring California Least Tern Nesting Colonies

The Department of Fish and Game (“Department”) received a proposal on April 28, 2009, from Mr. Patrick Del Pizzo, San Diego, requesting authorization to take California Least Terns (*Sterna antillarum browni*), Fully Protected Birds, for research purposes, consistent with the protection and recovery of these species.

The applicant is in the process of obtaining the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from DFG for research on Fully Protected species. The proposed activities include approaching Least Tern nesting areas throughout the range of the species to gather necessary data used in monitoring nesting status, chick development, habitat suitability and habitat assessments, and to identify threats from humans and predators. Data would be collected by observation and monitoring with binoculars/spotting scopes in or near potential and known breeding habitat and locating nests on foot. Data will also be collected by capturing, measuring, weighing, banding, and releasing live birds. DFG intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As these birds are also federally-listed endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds 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 3511 for take of Fully Protected Birds, it would issue the authorization on or after June 15, 2009, for a term of two years to three years. The term may be expanded with Department authorization. Contact: Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Lyann Comrack.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

NOTICE TO INTERESTED PARTIES

DTSC SEEKS JUDICIAL APPROVAL OF SETTLEMENT AGREEMENT WITH W. DANIEL ISAACSON AND DONNA ISAACSON RESPECTING THE HARD CHROME PRODUCTS SITE LOCATED AT 617 EAST 56TH STREET, LOS ANGELES, CALIFORNIA

The Department of Toxic Substances Control (“DTSC”) has agreed to enter into a Consent Decree with W. Daniel Isaacson and Donna Isaacson (“Isaacsons”) respecting the Hard Chrome Products Site (the “Site”) located at 617 East 56th Street in the City of Los Angeles.

Site History. From 1943 until 1991, electroplating operations were conducted on the Site. As part of these operations a drainage sump, surface drain and an earthen containment trench were used for disposal of liquid wastes and sludges containing chromium, hexavalent chromium and lead. DTSC alleges that plating operations at the Site resulted in releases of hazardous substances at the Site. The soil and groundwater beneath the Site is contaminated with elevated levels of chromium, hexavalent chromium, and Trichloroethylene.

Enforcement Activities and Cleanup Work Completed by DTSC. In March 1997, DTSC issued an Imminent and Substantial Endangerment Order (“I&SE Order”) requiring the Hard Chrome responsible parties (“RPs”), including the Isaacsons, to prepare a Remedial Investigation/Feasibility Study (RI/FS). The RPs did not comply with the I&SE Order. DTSC requested the current property owner and other RPs to conduct an RI/FS, however, they claimed they did not have the funds necessary to complete the RI/FS and conduct a satisfac-

tory cleanup. In 2002, DTSC obtained State funds to complete the RI/FS and Baseline Human Health Risk Assessment for the Site. Additionally, State funding was obtained in 2003 to complete the RI, a Treatability Study, and a Remedial Action Plan for the Site. DTSC filed a complaint against the Isaacsons and the other RPs.

The Consent Decree. The Consent Decree requires the Isaacsons to pay DTSC \$150,000 which represents a portion of the past costs that DTSC has incurred at the Site. In return, the Isaacsons receive contribution protection as provided by federal law from certain claims by other liable parties and a covenant not to sue from DTSC. The Isaacsons do not admit liability. DTSC reserves a number of rights, including, *inter alia*, its right to seek recovery of its unpaid past and future costs from third parties.

Entry of the Decree. DTSC intends to lodge the Consent Decree with the United States District Court for the Central District of California. After a 30 day public comment period ends and DTSC prepares responses to any comments received, the Attorney General’s office will make a motion for judicial approval of the Consent Decree, pursuant to 42 U.S.C. § 9613(f)(2).

Obtaining Copies of the Decree. Interested parties may obtain a copy of the Consent Decree by contacting Mr. Tedd Yargeau at (818) 717-6545.

Comments on the Decree. DTSC invites any interested persons to submit comments on the Consent Decree. Comments must be **received by DTSC on or before June 15, 2009**. The comments should reference the Site name and be directed to:

Mr. Tedd Yargeau
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

DTSC’s responses to any timely comments will be available for inspection at DTSC’s office in Chatsworth, California.

Further information regarding this matter may be obtained by contacting any of the following persons: Deputy Attorney General Sarah Morrison at (213) 897-2640, or DTSC Staff Counsel Robert Elliott at (916) 327-6105.

ENVIRONMENTAL PROTECTION AGENCY

**California Environmental Protection Agency
30-Day Public Notice and Comment Period
Unified Program Surcharge Fee Change**

NOTICE IS HEREBY GIVEN that the California Secretary for Environmental Protection proposes to

adjust the State Surcharge according to the California Health and Safety Code (HSC), Division 20, Chapter 6.11, Section 25404.5(b), and the California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240.

The State Surcharge is an assessment on each entity regulated under the Unified Program. The State Surcharge is used to fund the necessary and reasonable costs of all State Agencies responsible for program implementation, ongoing maintenance, and oversight of the Unified Program. Assembly Bill 2286 (Chapter 571 Statutes of 2008) provides for an increase in the Hazmat portion of the State Surcharge up to \$49.00 per year for three years to fund the implementation of mandatory business and Unified Program Agency electronic reporting no later than January 1, 2013. There is no change in the Underground Storage Tank or California Accidental Release Prevention Program portions of the State Surcharge.

The State Surcharge will be publicly noticed in the California Regulatory Notice Register (Z-Register) for a 30-day comment period during which time comments will be accepted on the proposed Surcharge. Following the 30-day comment period the Secretary will publish the final Surcharge in the Z-Register. Certified Unified Program Agencies will be responsible for collecting the new Surcharge as part of their Single Fee System effective July 1, 2009.

For this public notice, the California Environmental Protection Agency will not hold a public hearing to receive comments, but does request the public to submit written comments by June 8, 2009 to the attention of:

Mr. Jim Bohon, Chief
 Unified Program Section
 California Environmental Protection Agency
 1001 I Street, 4th Floor
 Sacramento, California 95814

E-mail address: jbohon@calepa.ca.gov
 Fax Number: (916) 322-5615

STATE SURCHARGE

For fiscal years 2009/2010 through 2011/2012, the State Surcharge is set as follows:

Hazmat	\$49.00
Underground Storage Tank	\$15.00
California Accidental Release Prevention Program	\$350.00

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
 HEALTH HAZARD ASSESSMENT**

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

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

**NOTICE TO INTERESTED PARTIES
 May 15, 2009**

**May 29, 2009 MEETING AGENDA OF THE
 SCIENCE ADVISORY BOARD'S
 CARCINOGEN IDENTIFICATION
 COMMITTEE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Carcinogen Identification Committee of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause cancer (Health and Safety Code section 25249.8). The Committee serves as the "State's Qualified Experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

A public meeting of this committee will be held on **Friday, May 29, 2009** at the California Environmental Protection Agency Headquarters Building, **Sierra Hearing Room**, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 5:00 p.m. If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or coshita@oehha.ca.gov by May 21, 2009. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is as follows.

- I. WELCOME AND OPENING REMARKS
- II. PRIORITIZATION OF CHEMICALS FOR CARCINOGEN IDENTIFICATION COMMITTEE REVIEW
 - Committee members discuss and propose priority rankings for each of the 38 chemicals assigned to them for review
 - Committee discussion
 - Public comments
 - Committee discussion and recommendations
- III CONSIDERATION OF A CHEMICAL AS KNOWN TO THE STATE TO CAUSE CANCER
 - A. Marijuana smoke
 - Staff presentation
 - Committee discussion
 - Public comments
 - Committee discussion and decision
- IV. STAFF UPDATES
- V. SUMMARY OF COMMITTEE ACTIONS, ADVICE AND CONSULTATION, AND CLOSING REMARKS

Note that the order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**TITLE 27. CALIFORNIA CODE OF
REGULATIONS**

**PROPOSED AMENDMENT OF SECTION
25204¹
SAFE USE DETERMINATIONS**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986²**

¹ Formerly Title 22, Cal. Code of Regulations, section 12204
² More commonly known as Proposition 65, codified at Health and Safety Code Section 25249.5 et seq.

**NOTICE OF ADDITIONAL MODIFICATIONS
TO TEXT OF PROPOSED REGULATION**

May 15, 2009

As required by Government Code section 11346.8(c), and Title 1, Section 44 of the California Code of Regulations, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice of additional changes made to the proposed regulation: Title 27, California Code of Regulations, section 25204. This proposed regulation was originally the subject of a Notice of Proposed Rulemaking issued on September 12, 2008 and published in the California Regulatory Notice Register (Register 2008, No 37-Z). A public hearing on this regulatory proposal was held on November 7, 2008. Written comments were received during a 45-day comment period which closed on November 21, 2008. One comment was received and, in response to this comment, changes were made to the proposed regulatory language. No written comments were received during an additional 15-day comment period which closed January 26, 2009.

OEHHA submitted the regulatory package to OAL but subsequently withdrew it for further changes. Following discussion with OAL, OEHHA has determined that the regulatory language will be clearer if the following changes are made:

1. For reasons of clarity, the words “a safe use determination issued by the lead agency creates a rebuttable presumption affecting the burden of proof that the activity described in the determination, when conducted as described, is in compliance with the Act and all related regulations” are stricken from the proposed amendments to the regulation in section 25204(a). A safe use determination is the agency’s opinion, and as such, will be given due deference by a court in an enforcement proceeding without need for further explanation.

A copy of the text of the amended proposed regulation is attached. The changes proposed in the initial 15-day comment period that closed on January 26, 2009 are indicated by underline and deletions indicated by strikeout. The additional proposed changes that are the subject of this notice are indicated by double strikeout.

OEHHA will accept written comments on this amendment to the proposed regulation between May 15, 2009, and June 1, 2009. All written comments must be submitted to OEHHA by mail, fax, courier, e-mail, or hand-delivery, no later than 5:00 p.m. on **June 1, 2009**, and addressed to

Fran Kammerer
Office of Environmental Health Hazard Assessment
P. O. Box 4010
Sacramento, California 95812-4010
Fax No.: 916-324-1786
E-mail: fkammerer@oehha.ca.gov

Inquiries concerning the action described in this notice may be directed to Fran Kammerer, in writing at the address given above, or by telephone at (916) 445-4693 or Monet Vela at (916) 323-2517.

**RULEMAKING PETITION
DECISION**

**CALIFORNIA BOARD OF
ACCOUNTANCY**

**NOTICE OF DECISION
ON PETITION TO
ADOPT A REGULATION**

**California Code of Regulations (C.C.R.)
Title 16. Professional and Vocational Regulations
Division 1. State Board of Accountancy
Article 9. Rules of Professional Conduct**

Petitioner:

Carl Olson

Authority:

Business and Professions Code Section 5010 provides the California Board of Accountancy (Board) the authority to “adopt, repeal, or amend such regulations as may be reasonably necessary . . . for the administration of this chapter.” “This chapter” has to do with the licensing and regulation of the profession of public accountancy in the State of California. (Bus. & Prof. Code § 5000 et seq.)

Contact Person:

Please direct any inquiries regarding this action to Gary W. Duke, Senior Staff Counsel, Department of Consumer Affairs, 1625 North Market Blvd., Suite S309, Sacramento, CA 95834.

Availability of Petition:

The petition for adoption of a regulation is available upon request directed to the Board’s contact person.

INTRODUCTION

Existing law provides jurisdiction and authority for the California Board of Accountancy (Board) to inquire into any alleged violation of any state or federal law, regulation, or rule relevant to the practice of accountancy. The Board is authorized to receive and investigate complaints and to conduct investigations or hearings, with or without the filing of any complaint, and to obtain information and evidence relating to any matter involving the conduct of its licensees. The Board may investigate any matter involving any violation or alleged violation of state laws regulating the practice of public accountancy by a licensee of the Board.

Existing law also authorizes the Board to take disciplinary action against a license for a variety of acts and causes, including dishonest and fraudulent acts, negligence resulting in a violation of applicable professional standards indicating incompetence, and knowing preparation, publication, or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information.

The petitioner’s rulemaking request proposes a regulation that would require the following:

“The board shall investigate CPA auditor involvement in Madoff-type schemes either upon its own initiative or upon complaint from any person. A “Madoff-type scheme” shall mean any fraudulent investment scheme whose alleged victims include charitable groups and other entities whose financial statements are audited. The investigation shall focus on the adequacy of the audits with regard to the verification of assets invested in the Madoff-type scheme.”

DISCUSSION

1. Proposed Regulation is Unnecessary and Duplicative of Existing Law

Business and Professions Code section 5103 provides the following:

“(a) Notwithstanding any other provision of law, the *board may inquire into any alleged violation of this chapter or any other state or federal law, regulation, or rule relevant to the practice of accountancy.*

(b) The board, or its executive officer pursuant to a delegation of authority from the board, is authorized to perform the following functions:

(1) To *receive and investigate complaints and to conduct investigations* or hearings, with or without the filing of any complaint, and to obtain information and evidence relating *to any matter involving the conduct of licensees*, as directed by the board, or as directed by the executive officer

pursuant to a delegation of authority from the board.

(2) To *receive and investigate complaints and to conduct investigations* or hearings, with or without the filing of any complaint, and to obtain information and evidence *relating to any matter involving any violation or alleged violation of this chapter by licensees*, as directed by the board, or as directed by the executive officer pursuant to a delegation of authority from the board.”

[Emphasis added.] (Added Stats. 2002 ch. 231 § 14.)

In relevant part, Business and Professions Code section 5100 provides the following:

“After notice and hearing the board may revoke, suspend, or refuse to renew any permit or certificate granted under Article 4 (commencing with Section 5070) and Article 5 (commencing with Section 5080), or may censure the holder of that permit or certificate for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

(a) Conviction of any crime substantially related to the qualifications, functions and duties of a certified public accountant or a public accountant.

* * *

(c) Dishonesty, *fraud*, gross negligence, or repeated negligent acts committed in the same or different engagements, for the same or different clients, or any combination of engagements or clients, each resulting in a *violation of applicable professional standards that indicate a lack of competency in the practice of public accountancy* or in the performance of the bookkeeping operations described in Section 5052.

(d) Cancellation, revocation, or suspension of a certificate or other authority to practice as a certified public accountant or a public accountant, refusal to renew the certificate or other authority to practice as a certified public accountant or a public accountant, or any other discipline by any other state or foreign country.

(e) Violation of Section 5097.

(f) Violation of Section 5120.

(g) Willful violation of this chapter or any rule or regulation promulgated by the board under the authority granted under this chapter.

(h) Suspension or revocation of the right to practice before any governmental body or agency.

(i) Fiscal dishonesty or breach of fiduciary responsibility of any kind.

(j) Knowing preparation, publication, or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information.

* * *

(l) The imposition of any discipline, penalty, or sanction on a registered public accounting firm or any associated person of such firm, or both, or on any other holder of a permit, certificate, license, or other authority to practice in this state, by the Public Company Accounting Oversight Board or the United States Securities and Exchange Commission, or their designees under the Sarbanes–Oxley Act of 2002 or other federal legislation.

* * *

(Added Stats. 1945 ch. 1353 § 2. Amended Stats. 1947 ch. 502 § 1; Stats. 1949 ch. 1528 § 3; Stats. 1955 ch. 1803 § 9; Stats. 1959 ch. 310 § 68; Stats. 1963 ch. 366 § 1; Stats. 1978 ch. 1161 § 287; Stats. 1988 ch. 728 § 2; Stats. 1990 ch. 301 § 1; Stats. 1992 ch. 1289 § 41; Stats. 2002 ch. 230 § 4, ch. 231 § 13; Stats. 2004 ch. 921 § 12.)

As provided in Business and Professions Code section 5103, the Board has sufficient authority to investigate any fraudulent, incompetent, or dishonest financial “schemes” that involve certified public accountants. As provided in Business and Professions Code section 5100, the Board has sufficient authority to take appropriate disciplinary action for a wide variety of causes. Existing law already provides the Board with adequate authority to investigate any licensee role or involvement in a so-called “Madoff-type scheme” that is described by the petitioner. The Board has authority to initiate an investigation, with or without the filing of a complaint. Consequently, the proposed regulation is duplicative of existing law and unnecessary.

2. Proposed Regulatory Language is Unclear

Petitioner’s proposed regulatory language is unclear and subject to differing interpretations. It appears to define a “Madoff-type scheme” by its alleged victims rather than defining exactly the scope and specific attributes of what actually constitutes a “fraudulent investment scheme.” Also, it is unclear whether the petitioner is proposing the exact language stated above as the proposed regulation or whether the petitioner is establishing a performance measure, i.e., what such a regulation should achieve.

3. Proposed Regulation is Not a Standard of General Application

The proposed regulation does not establish any standard that implements, interprets, or makes specific the law enforced by the Board. It only establishes an enforcement policy for the Board’s staff to focus on the adequacy of the audits regarding verification of assets invested in the “Madoff–type scheme.” Although the petitioner provides several examples of consumer harm from the “Madoff investment Ponzi scheme,” no evidence or documentation is provided showing other examples of any other “Madoff–type schemes” involving California licensees. It appears as though this proposed regulation is specifically directed at the Madoff investment Ponzi scheme and the licensed accountants who were involved in that scheme. The proposed regulation does not appear to be standard of general application.

DECISION

For all the reasons stated above, the rulemaking petition submitted by Mr. Carl Olson is hereby denied.

PATTI BOWERS
Executive Officer
California Board of Accountancy

cc: Carl Olson

DECLARATION OF PERSONAL SERVICE

I, Gary W. Duke, say and declare:

That I am a citizen of the United States over the age of eighteen years; that on the 5th day of May 5, 2009, I personally served the attached

Notice of Decision on Petition to Adopt a Regulation
to
California Office of Administrative Law

at 300 Capitol Mall, Suite 1250, Sacramento in the County of Sacramento, State of California, by then and there delivering to and leaving with said California Office of Administrative Law a true copy thereof.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 5, 2009 at Sacramento, California.

/s/
Gary W. Duke

DECISION NOT TO PROCEED

TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Emergency Medical Services Authority hereby gives notice that it has decided not to proceed with Emergency Medical Technician–II Regulations, Chapter 3, Division 9 of Title 22, (Notice File No. Z2008–0617–02) as published in the California Regulatory Notice Register on June 27, 2008.

Any interested person with questions concerning this rulemaking should contact Laura Little at (916) 322–4336 or by e–mail at: Laura.Little@emsa.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# 2009–0319–01
BOARD OF EQUALIZATION
Medicines and Medical Devices

This action amends existing provisions governing the application of sales and use tax to “Medicines or Medical Devices” by clarifying that no tax applies to any “permanently implantable articles” including an implant’s interdependent internal and external components which operate together as one device in and on the person in whom the device is implanted, unless such device is specifically excluded from the definition of “medicines”.

Title 18
California Code of Regulations
AMEND: 1591
Filed 04/29/2009
Effective 05/29/2009
Agency Contact:
Richard Bennion

(916) 445–2130

File# 2009-0401-01
 DEPARTMENT OF CORRECTIONS AND
 REHABILITATION
 Administrative Segregation

The Department of Corrections and Rehabilitation proposed to amend section 3335(d)(3) of Title 15 of the California Code of Regulations pursuant to Section 100 of Title 1 of the California Code of Regulations. Specifically the Department changes 3335(d)(3) to correct an error made in connection with reviewing and filing previous OAL file numbers 05-0526-02 EON and 05-1101-03 C.

Title 15
 California Code of Regulations
 AMEND: 3335(d)(3)
 Filed 05/04/2009
 Agency Contact: John McClure (916) 255-5464

File# 2009-0501-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth

This is an emergency readoption of three emergency files dealing with the light brown apple moth (LBAM; *Epiphyas postvittana*) (OAL file numbers 2008-0905-04E, 2008-0919-01 E and 2008-1007-01 E). A Certificate of Compliance was submitted to OAL on these emergency files on March 20, 2009 (OAL file number 2009-0320-03 C) but was withdrawn by the department pending further action.

Title 3
 California Code of Regulations
 AMEND: 3434(b)
 Filed 05/04/2009
 Effective 05/04/2009
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2009-0323-03
 FISH AND GAME COMMISSION
 Delist California Brown Pelican from the list of Endangered Species

This action delists the California Brown Pelican (*Pelecanus occidentalis californicus*) from the list of species declared to be "endangered" under the California Endangered Species Act.

Title 14
 California Code of Regulations
 AMEND: 670.5
 Filed 05/04/2009
 Effective 06/03/2009
 Agency Contact:
 Sherrie Fonbuena (916) 654-9866

File# 2009-0421-03
 MANAGED RISK MEDICAL INSURANCE
 BOARD
 Disenrollment AER Implementation

Managed Risk Medical Insurance Board submitted this emergency action to amend title 10, California Code of Regulations, section 2699.6603. The proposed amendments are intended to provide the Board with regulatory flexibility to minimize the impact on Healthy Families Program applicants and subscribers in the event that administering waiting lists and disenrollments become necessary due to the current economic outlook, increased enrollments, and insufficiency of projected Healthy Families Program funds. Amended section 2699.6603 will prevent Healthy Families Program subscribers with handicapping conditions from losing eligibility for California Children's Services Program (CCS) benefits, which is administered by the Department of Health Care Services. This CCS eligibility is provided in Health and Safety Code section 123870(a)(2). Amended section 2699.6603 will also allow the Board to adapt waiting lists so that groups specified in terms and conditions of individual funding sources retain Healthy Families Program eligibility.

Title 10
 California Code of Regulations
 AMEND: 2699.6603
 Filed 05/01/2009
 Effective 05/01/2009
 Agency Contact: Dianne Knox (916) 324-0592

File# 2009-0320-02
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Bakery Ovens — Inspections

Occupational Safety and Health Standards Board submitted this action to amend title 8, California Code of Regulations, section 4530 to require specified safety inspections of bakery ovens. Amended section 4530 will require all safety devices on ovens to be inspected annually in accordance with the manufacturer's recommendations or, if manufacturer's recommendations are unavailable, in accordance with specified provisions contained in the National Fire Protection Association (NFPA) 86 — 2007, Standard for Ovens and Furnaces, and the NFPA 54-2006/American National Standards Institute (ANSI) Z223.1-2006, National Fuel Gas Code, which are incorporated by reference.

Title 8
 California Code of Regulations
 AMEND: 4530
 Filed 05/01/2009
 Effective 05/31/2009
 Agency Contact: Marley Hart (916) 274-5721

File# 2009-0324-03
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Replace Graphics

This is a nonsubstantive action that redraws various graphics for visual clarity.

Title 8
 California Code of Regulations
 AMEND: 3030, 3037, 3089, 3097, 3098, 3101, 3107
 Filed 05/01/2009
 Agency Contact: Marley Hart (916) 274-5721

File# 2009-0422-01
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998; Career Tech & Joint-Use

On December 17, 2008, the State's Pooled Money Investment Board took action to temporarily halt disbursing cash from the State's Pooled Money Investment Account (PMIA) for capital projects, including school construction projects because of the State's financial situation. The Office of Public School Construction (OPSC) utilizes cash from the PMIA to release State funds for school construction projects that have been approved by the State Allocation Board (SAB). Until further notice the OPSC will be unable to release state funds for approved school construction projects. This emergency regulatory action will allow the SAB to make a finding that preliminary apportionments for projects under the Joint-Use Program and the Career Technical Education Facilities Program (CTEFP) are "inactive." For both programs, the proposed emergency amendments authorize the SAB to suspend for up to 12 months the one-year time limit from the date of apportionment/reservation of funds for applicants to submit to the OPSC the necessary project approvals from the Division of State Architect and the California Department of Education.

Title 2
 California Code of Regulations
 AMEND: 1859.129, 1859.197
 Filed 04/30/2009
 Effective 04/30/2009
 Agency Contact: Robert Young (916) 445-0083

File# 2009-0320-01
 STATE TEACHERS RETIREMENT SYSTEM
 Supplemental Benefit Maintenance Account Purchasing Power

This new regulation was adopted by California State Teachers' Retirement System (CalSTRS) to implement the process whereby the Board adjusts the purchasing

power protection provided by the Supplemental Benefit Maintenance Account (SBMA) including the frequency and timing of actuarial projections and adjustments to the target percentage of purchasing power. The adoption of this regulation is exempt from the rulemaking provisions of the Administrative Procedure and OAL's review pursuant to Education Code section 24415.5, subdivision (e).

Title 5
 California Code of Regulations
 ADOPT: 26000
 Filed 04/30/2009
 Effective 04/30/2009
 Agency Contact: Cecilia Velez (916) 229-3579

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN December 2, 2008 TO
 May 6, 2009**

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**
 01/20/09 AMEND: 260
 01/20/09 AMEND: Appendix A, Std. Form 400
- Title 2**
 04/30/09 AMEND: 1859.129, 1859.197
 04/28/09 AMEND: div. 8, ch. 111, section 59560
 04/22/09 ADOPT: 1859.148.2, 1859.166.2
 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197
 03/05/09 AMEND: 18704
 02/17/09 AMEND: 51.3
 02/02/09 AMEND: 18402, 18450.3
 01/30/09 ADOPT: 18427.5
 01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401
 01/27/09 AMEND: 2294
 01/26/09 AMEND: 1859.104.1
 01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184
 01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128
 01/08/09 ADOPT: 18420.1
 01/08/09 ADOPT: 18944.3 AMEND: 18944.1
 12/30/08 AMEND: 714
 12/29/08 ADOPT: 2298
 12/15/08 AMEND: 17463, 17470, 17519

12/09/08 ADOPT: 25100
 12/08/08 AMEND: 1700

Title 3

05/04/09 AMEND: 3434(b)
 04/27/09 AMEND: 3434(b)
 04/20/09 AMEND: 6452.2
 03/30/09 AMEND: 3434(b)
 03/25/09 AMEND: 6860
 03/23/09 AMEND: 3423(b)
 03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214,
 1215, 1216, 1217, 1218, 1219, 1220,
 1221, 1222.1, 1222.4, 1209, 1209.1,
 1245.1, 1245.2, 1245.3, 1245.4, 1260.2,
 1269, 1269.1, 1269.2, 1271 AMEND:
 1200, 1201, 1202, 1204, 1205, 1206,
 1207, 1208, 1222, 1223, 1223.1, 1235,
 1236, 1238, 1239, 1240, 1241, 1242,
 1243, 1244, 1245, 1245.1, 1245.2,
 1245.3, 1245.4, 1245.5, 1245.6, 1245.7,
 1245.8, 1245.9, 1245.10, 1245.11,
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 1245.16, 1246, 1247, 1248, 1249, 1250,
 1251, 1252, 1253, 1254, 1255, 1256,
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 1262, 1263, 1264, 1265, 1266, 1267,
 1268, 1269, 1270 REPEAL: 1203, 1210,
 1211, 1212, 1213, 1214, 1215, 1216,
 1217, 1218, 1219, 1220, 1221, 1224,
 1225, 1226, 1227, 1228, 1229, 1230,
 1231, 1237
 03/18/09 AMEND: 3435(b)
 03/10/09 AMEND: 3434
 03/05/09 AMEND: 3591.20(a)
 03/04/09 AMEND: 3435
 02/27/09 AMEND: 3434(b)
 02/26/09 AMEND: 850
 02/19/09 AMEND: 3434(b)
 02/13/09 AMEND: 3406(b)
 02/10/09 AMEND: 3060.4(a)(1)(C)(1), 3652(k)
 02/05/09 AMEND: 3434(b)
 02/02/09 AMEND: 3406(b)
 01/21/09 ADOPT: 3591.22(a), 3591.22(b),
 3591.22(c), 3591.22(d)
 01/21/09 ADOPT: 3591.21(a), 3591.21(b),
 3591.21(c)
 01/20/09 REPEAL: 3664, 3665, 3666, 3667, 3668,
 3669
 01/14/09 AMEND: 3434(b)
 01/13/09 AMEND: 3434(b)
 01/12/09 AMEND: 3589(a)
 12/30/08 AMEND: 3417(b)
 12/18/08 AMEND: 3417(b)
 12/18/08 AMEND: 3406(b)
 12/16/08 AMEND: 1358(b)

12/12/08 AMEND: 3434(b)
 12/10/08 AMEND: 3589
 12/04/08 AMEND: 3435(b)

Title 4

04/24/09 ADOPT: 12480, 12492, 12494, 12496,
 12498, 12499, 12501, 12502, 12504
 AMEND: 12482
 04/24/09 AMEND: 12482
 03/23/09 AMEND: 10175, 10176, 10177, 10182,
 10185, 10187, 10188, 10189, 10190
 03/11/09 AMEND: 1865
 03/10/09 ADOPT: 12388, 12410
 03/05/09 ADOPT: 2066
 03/05/09 ADOPT: 1504.5 AMEND: 1481, 1486
 03/04/09 AMEND: 2073
 02/23/09 ADOPT: 8102, 8102.1, 8102.2, 8102.3,
 8102.5, 8102.6, 8102.7, 8102.8, 8102.9,
 8102.11, 8102.12, 8102.13, 8102.14,
 8102.15 AMEND: 8090, 8091, 8092,
 8093, 8094, 8095, 8096, 8097, 8098,
 8099, 8100, 8101 REPEAL: 8102.10
 02/13/09 ADOPT: 12362
 02/11/09 ADOPT: 8078.1 AMEND: 8070, 8072,
 8076, 8078
 01/13/09 ADOPT: 4027, 4027.1, 4027.2, 4027.3,
 4027.4, 4027.5
 12/29/08 AMEND: 12482

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04/30/09 ADOPT: 26000
 03/27/09 AMEND: 3001, 3051, 3060, 3061, 3062,
 3063, 3064, 3065, 3066, 3067, 3068,
 3069, 3070
 03/05/09 AMEND: 80225
 02/17/09 AMEND: 80413, 80487
 02/04/09 ADOPT: 9800, 9810, 9820, 9830
 01/20/09 ADOPT: 9517.1
 01/05/09 AMEND: 80004
 12/09/08 ADOPT: 18131.1 AMEND: 18131

Title 8

05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098,
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 05/01/09 AMEND: 4530
 04/20/09 AMEND: 10100.2, 10101.1, 10103.2,
 10104, 10105, 10106.1, 10106.5,
 10107.1, 10108, 10109, 10111.1,
 10111.2, 10112, 10113.4, 10113.5,
 10114.2, 10115, 10115.1, 10115.2
 04/06/09 ADOPT: 227, 314, 389 AMEND: 281,
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 04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1,
 2738, 2739.0, 2739.4, 2742.0, 2742.1,
 2742.2, 2742.3, 2745.0, 2745.1, 2749.2,
 2754.1, 2754.2, 2796, 2799.1, 2799.2,

- 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742
- 03/04/09 AMEND: 3248
- 03/02/09 ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7
- 03/02/09 AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600
- 02/25/09 REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22
- 02/18/09 AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354
- 02/13/09 AMEND: 3336, 3650, 3653
- 02/09/09 AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583
- 01/29/09 AMEND: 4994
- 01/28/09 AMEND: 4999
- 01/20/09 AMEND: Appendix B following sections 1529, 5208, 8358
- 01/15/09 AMEND: 2500.7
- 01/13/09 ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5, 41.5, 41.6, 41.7, 63, 120, 121, 122, 123, 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5, 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40, 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4, 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57, 60, 61, 62, 65, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159 REPEAL: 10.5, 32.5, 37, 53, 70, 71, 72, 73, 74, 75, 76, 76.5, 77, 101, 114, 115
- 12/22/08 ADOPT: 16404, 16430, 16435.5 AMEND: 16421, 16422, 16423, 16424, 16425, 16426, 16427, 16428, 16429, 16431, 16432, 16434, 16435, 16436, 16437, 16439
- 12/02/08 AMEND: 2940.6, Appendix C
- Title 9**
- 02/06/09 ADOPT: 4000, 4005
- 01/07/09 AMEND: 7400
- Title 10**
- 05/01/09 AMEND: 2699.6603
- 03/27/09 AMEND: 2498.6 (Exhibit C)
- 03/25/09 AMEND: 2661.3, 2661.4, 2662.1
- 03/23/09 AMEND: 2498.6
- 02/26/09 AMEND: 2699.6805
- 02/23/09 AMEND: 2318.6, 2353.1
- 02/23/09 AMEND: 2498.6
- 02/19/09 AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119
- 02/05/09 ADOPT: 2308.1, 2308.2, 2308.3
- 01/15/09 AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809
- 01/14/09 AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301
- 01/12/09 AMEND: 2498.5
- 12/31/08 ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55
- 12/02/08 AMEND: 2652.1
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- 04/17/09 AMEND: 30.1
- 04/01/09 ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018
- 04/01/09 ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002
- 03/30/09 ADOPT: 30.15
- 03/03/09 AMEND: 9070, 9077
- 02/18/09 REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327

02/03/09	ADOPT: 64.7	4970.16, 4970.17, 4970.18, 4970.19,
01/28/09	AMEND: 51.19	4970.19.1, 4970.19.2, 4970.19.3,
12/31/08	AMEND: 1005(d)	4970.19.4, 4970.19.5, 4970.19.6,
12/02/08	AMEND: 1005, 1007, 1008	4970.20, 4970.21, 4970.22, 4970.23,
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02/26/09	ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809	4970.25.1, 4970.25.2, 4970.25.3,
01/27/09	AMEND: 501	4970.26 REPEAL: 4970.49, 4970.50,
01/12/09	AMEND: 503	4970.51, 4970.52, 4970.53, 4970.54,
Title 13		4970.55, 4970.56, 4970.57, 4970.58,
03/18/09	ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2	4970.59, 4970.60, 4970.61, 4970.62,
03/10/09	ADOPT: 1160.6 AMEND: 1160.3, 1160.4	4970.63, 4970.64, 4970.65, 4970.66,
02/26/09	ADOPT: 29.00	4970.67, 4970.68, 4970.69, 4970.70,
02/05/09	ADOPT: 20.05 AMEND: 20.04	4970.71, 4970.72
02/05/09	AMEND: 25.08	12/31/08 AMEND: 957 REPEAL: 957.11, 957.12
01/20/09	AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710	12/29/08 AMEND: 243, 245 REPEAL: 241
12/22/08	AMEND: 553.70	12/17/08 ADOPT: 1032 AMEND: 895, 895.1, 929.1, 949.1, 969.1, 1032.7, 1032.9, 1037.3, 1054.5, 1055.3, 1056.3, 1090.1, 1090.2, 1090.4, 1090.6, 1090.17, 1092.03, 1092.04, 1092.06, 1092.18, 1104.3 REPEAL: 1032
12/05/08	AMEND: 110.04	12/11/08 AMEND: Division 5, Appendix M
Title 13, 17		12/10/08 ADOPT: 120.1, 120.2 AMEND: 120, 120.3 REPEAL: 120.01
12/03/08	AMEND: 2299.3, 93118.3	
Title 14		Title 15
05/04/09	AMEND: 670.5	05/04/09 AMEND: 3335(d)(3)
04/27/09	ADOPT: 749.5	04/20/09 AMEND: 1004, 1006, 1007, 1008, 1012, 1013, 1018, 1027, 1028, 1029, 1032, 1040, 1044, 1045, 1046, 1055, 1056, 1059, 1063, 1066, 1082, 1101, 1105, 1144, 1151, 1161, 1209, 1217, 1230, 1241, 1243, 1245, 1247, 1262, 1272
04/08/09	AMEND: 2245, 2320	04/02/09 ADOPT: 3334 AMEND: 3000
03/18/09	AMEND: 632	02/05/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375
03/16/09	ADOPT: 20004.1, 20009.1, 20009.2 AMEND: 20000, 20001, 20002, 20003, 20004, 20005, 20008, 20009	02/02/09 ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
03/04/09	AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730	12/19/08 REPEAL: 4826, 4985
03/03/09	ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58	12/16/08 ADOPT: 3099
03/02/09	AMEND: 791.7(a), Form FG OSPR-1924, Form FG OSPR-1925, Form FG OSPR-1972	12/15/08 ADOPT: 3334 AMEND: 3000
02/25/09	AMEND: 1038, 1052	12/11/08 AMEND: 3323
02/23/09	ADOPT: 749.4	12/09/08 AMEND: 3000, 3001, 3041.3, 3075.3, 3294.5, 3356, 3369.5, 3370, 3376.1, 3382, 3383, 3393, 3401, 3402, 3405, 3406, 3407, 3408, 3410, 3411, 3414, 3430, 3432, 3433
01/28/09	AMEND: 701	Title 16
01/13/09	AMEND: 300	04/28/09 AMEND: 1524
01/12/09	ADOPT: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07, 4970.07.1, 4970.07.2, 4970.08, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.12, 4970.13, 4970.14, 4970.14.1, 4970.14.2, 4970.14.3, 4970.15, 4970.15.1, 4970.15.2, 4970.15.3, 4970.15.4,	04/27/09 AMEND: 1760
		04/03/09 AMEND: 3830
		03/24/09 ADOPT: 1398.12

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03/20/09 AMEND: 1937, 1950, 1950.5, 1953
 03/11/09 AMEND: 1715, 1784, Form 17M-13,
 Form 17M-14, Form 17M-26
 03/04/09 AMEND: 4181
 03/04/09 AMEND: 1351.5, 1352
 03/04/09 ADOPT: 389
 03/04/09 AMEND: 998
 03/04/09 AMEND: 950.2
 03/03/09 AMEND: 305 REPEAL: 306.1
 02/11/09 AMEND: 950.3
 02/03/09 ADOPT: 2068.7
 01/28/09 AMEND: 950.2
 01/28/09 ADOPT: 1832.5
 01/09/09 ADOPT: 2504.1, 2517.5, 2564.1, 2575.5
 AMEND: 2537, 2540.6, 2590, 2592.6
 12/30/08 AMEND: 1387
 12/18/08 AMEND: 3340.28, 3340.29
 12/17/08 AMEND: 4170
 12/11/08 AMEND: 1336
 12/09/08 AMEND: 1399.25 REPEAL: 1399.26

Title 17

04/24/09 AMEND: 30100, 30346.1, 30373
 03/11/09 AMEND: 93119
 02/03/09 ADOPT: 100701
 01/29/09 ADOPT: 33060 AMEND: 33007, 33010,
 33020, 33025, 33030, 33040
 01/28/09 AMEND: 950.2
 01/28/09 ADOPT: 1832.5
 12/30/08 AMEND: 30195.1
 12/26/08 ADOPT: 100501
 12/02/08 ADOPT: 95100, 95101, 95102, 95103,
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Title 18

04/29/09 AMEND: 1591
 04/06/09 ADOPT: 25113 AMEND: 25111
 03/19/09 AMEND: 23701, 23772
 03/11/09 AMEND: 1506, 1524
 03/11/09 AMEND: 1705
 02/05/09 AMEND: 1620
 01/02/09 AMEND: 1702.5

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04/22/09 ADOPT: 3100, 3101, 3101.5, 3102,
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Title 22

04/21/09 AMEND: 51543
 03/12/09 AMEND: 51517
 03/03/09 ADOPT: 63000.48, 63051, 63052
 AMEND: 63000.16, 63000.25,
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 66260.10, 66260.23, 66261.4, 66261.9,
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 66273.3, 66273.4, 66273.5, 66273.6,
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 66273.10, 66273.11, 66273.12,
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 66273.41, 66273.70, 66273.80,
 66273.81, 66273.82, 66273.83,
 66273.84, 66273.85, 66273.86,
 66273.87, 66273.88, 66273.89, and
 66273.90 Articles Affected: Amend
 article 3; Adopt new article 4; Renumber
 old article 4 to article 5; Renumber old
 article 5 to article 6; Repeal old article 6;
 Repeal old article 7 and adopt new article
 7.

01/29/09 AMEND: 97174
 01/28/09 AMEND: 41508, 41509, 41510, 41511,
 41512, 41514, 41515, 41515.1, 41515.2,
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 42321, 42326, 42330, 42400, 42401,
 42402, 42403, 42404, 42405, 42406,
 42407, 42420, 42700, 42701, 42702,

42703, 42705, 42706, 42707, 42708,
 42709, 42710, 42711, 42712, 42713,
 42714, 42715, 42716, 42717, 42718,
 42719, 42720 REPEAL: 42800, 42801

01/26/09 AMEND: 51313.6, 51320, 51476,
 51510, 51510.1, 51510.2, 51510.3,
 51511, 51513, 51520 REPEAL: 51513.5,
 51520.1, 51520.2, 59998

01/23/09 AMEND: 51000.6.1, 51000.8, 51000.16,
 51000.20, 51000.20.1, 51000.24.1,
 51000.25.2, 51000.30, 51000.50,
 51000.51, 51000.52, 51000.53,
 51000.55, 51000.60

01/22/09 ADOPT: 72038, 72077.1, 72329.1
 AMEND: 72077, 72329

01/15/09 AMEND: 101115

01/06/09 AMEND: 66270.60, 67450.30

12/09/08 AMEND: 51521

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 100034, 100035, 100036, 100037,
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 100043 REPEAL: 100041

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 01/05/09 ADOPT: 3006
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02/11/09 ADOPT: 4200, 4202, 4204, 4206, 4208,
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01/21/09 ADOPT: 1322, 1426, 2426 AMEND:
 1000, 1002, 1004, 1005, 1006, 1018,
 1020, 1020.1, 1020.6, 1032, 1183, 1210,
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12/05/08 ADOPT: 7150, 7151, 7152, 7153, 7154,
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 02/18/09 AMEND: 20921
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 01/05/09 AMEND: 27000
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02/05/09 ADOPT: 40-037, 70-101, 70-102,
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