EDMUND G. BROWN, JR., GOVERNOR

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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, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTI–COUNTY AGENCY: Southern Counties Special Education Charter Consortium

A written comment period has been established commencing on **May 31, 2013** and closing on **July 15, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 16, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND
REGULATION SECTIONS 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, AND 1859.184.1, ALONG WITH ONE ASSOCIATED FORM, AND TO ADOPT REGULATION SECTION 1859.90.3, TITLE 2. CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

FORM PROPOSED FOR AMENDMENT

Fund Release Authorization, Form SAB 50–05, (Revised ~~10/12~~ 01/13), referenced in Regulation Section 1859.2

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

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend/adopt the above–referenced regulation sections under the authority provided by Sections 17070.35, 17072.13, 17078.64, and 17079.30 of the Education Code. The proposal interprets and makes specific reference Sections 17070.63, 17072.12, 17072.30, 17072.35, 17074.16, 17076.10, 17077.40, 17077.42 and 17077.45 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

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

The SAB, at its January 23, 2013 meeting, adopted proposed regulatory amendments to the SFP Regulations to provide for the rescission of school bond funding for construction projects with unfunded approvals that twice choose not to participate in or not to request State apportionments through the Priority Funding process. Such rescinded bond authority will return to the respective SFP funding programs for the SAB to reallocate to other projects that are ready to move forward toward construction. This helps to carry out the Legislative intent that the school bonds build and modernize California classrooms, create jobs in construction–related trades and industries, and stimulate the State's economy. This is in direct alignment with the Governor's directive.

The trigger mechanism in the proposed emergency regulatory amendments is the second occurrence of a school district with a project on the list of unfunded approvals choosing not to participate in or not to request its State apportionment through the Priority Funding process.

Bond Funds Impacted

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

In the existing SFP Regulations, the next 30–day filing periods to participate in the Priority Funding process are:

- May 8, 2013 through June 6, 2013,
- November 13, 2013 through December 12, 2013, and
- May 14, 2014 through June 12, 2014

Since these regulations were approved as emergency regulations prior to May 8, 2013 and the next two filing periods will end on December 12, 2013, it can then be determined which school districts have twice chosen not to participate in or not to request State apportionments through the Priority Funding process, and how much bond authority will become available for reallocation to other participating SFP projects.

The proposed emergency regulatory amendments apply to the following SFP programs:

- New Construction,
- Modernization,
- Facility Hardship (health and safety needs), and
- Facility Hardship rehabilitation (also health and safety needs).

Note: The proposed emergency regulatory amendments do not apply to projects in the:

- Charter School Facilities Program (CSFP) and
- Career Technical Education Facilities Program (CTEFP).

These two programs work on different timelines than standard New Construction and Modernization Programs, and the return of any bond funds from rescissions would not result in immediate reallocation of this authority.

Financial Impact

As of January 23, 2013 (for the above–noted categories of projects), there was $839.5 million of bond authority reserved for a total 406 projects on the list of unfunded approvals. These projects were previously approved by the SAB without apportionments. There is $269 million of the above $839.5 million that represents the above projects having two or more times chosen not to participate in or not to request State apportionments through the Priority Funding process.

It is estimated that the proposed emergency regulatory amendments will return $200 million to $400 million of school bond authority to the respective SFP funding programs from projects that are choosing not to request apportionments. The SAB can then reallocate the funds to projects that are ready to move forward to construction. This estimate is based upon:

- The current $269 million of bond authority already tied up in projects that have twice chosen not to participate in or not to request State apportionments through the Priority Funding process, and
- Since these emergency regulations are now in effect, two Priority Funding periods must occur which could result in more projects twice choosing not to participate in or not to request State apportionments through the Priority Funding process.

Attached to this Notice is the specific regulatory language of the proposed emergency action and amendments to Form SAB 50–05. You may also review the proposed regulatory language and Form on the OPSC Web site at www.dgs.ca.gov/opsc. Copies of the amended regulatory text and form will be mailed to any person requesting this information by using the OPSC contact information set forth below. The proposed emergency regulations would amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

The proposed emergency regulatory amendments resolve the problem of bond authority being tied up in school district construction projects that have ceased moving forward for reasons such as declining enrollment, lack of funds for the local matching share, or other reasons. There is currently no incentive for school districts to voluntarily withdraw their projects from the Unfunded List (Lack of AB 55 Loans) because school district inaction keeps a project's place in line on this List. Therefore, school districts with approved projects could tie up bond authority indefinitely. The proposed emergency regulatory amendments meet the need for a fair mechanism to reallocate the remaining bond authority to school districts ready to move their projects forward to construction.

The proposed emergency regulations describe two ways for a school district to choose not to participate in or not to request its apportionment through the Priority Funding process:

- Not submit a priority funding request in the 30–day filing period, or
- Submit a priority funding request but fail to submit a valid Form SAB 50–05 to request the release of funds after the SAB approves an apportionment.

The second time that either of these occurs, the funding for the project would be rescinded without further SAB action. Rescission would occur either:

- At the end of the 30–day filing period if a request to participate is not submitted, or
- 90 days after the SAB approves an apportionment if the school district then fails to submit a valid Form SAB 50–05 requesting the release of funds.

Legislative History

Assembly Bill (AB) 16. The proposed emergency regulatory amendments will also help to apportion school construction projects under and fulfill the intent of AB 16, Chapter 33, Statutes of 2002 (Hertzberg), which includes the following benefits to be obtained from the Kindergarten–University Public Education Facilities Bond Acts of 2002 and 2004 (Propositions 47 and 55):

- funding for extreme financial, disaster–related, or other hardship pupil housing needs (Education Code (EC) Section 17075.10);
- funding for remedial health and safety projects (EC Section 17075.15);
- supplemental apportionments for small schools (EC Section 17074.10);
- cost adjustments for projects in densely populated urban areas (EC Section 17072.10);
- costs to modernize older school buildings (EC Section 17074.26).

Prioritization of Facility Hardship Projects. Funding is provided for Facility Hardship projects that replace or rehabilitate school facilities in critical cases where there is a serious risk to the health and safety of pupils. These health and safety projects will be the first to benefit from the proposed emergency regulations reallocating school bond authority to projects awaiting funding. This is because the SAB, at its August 4, 2010 meeting, approved placing Facility Hardship projects with unfunded approvals at the top of the cumulative Unfunded List (Lack of AB 55 Loans) at all times, with placement order determined first by SAB approval date and next by date order received.

AB 127. The proposed emergency regulations will help to apportion school construction projects under and fulfill the intent of AB 127, Chapter 35, Statutes of 2006 (Perata/Nunez). AB 127 provided new bond funding to relieve public school overcrowding and to repair older schools through Proposition 1D. AB 127 also made available up to $100 million for projects that meet "high performance" rating criteria for components such as energy, water, natural lighting, air quality, use of recycled and low–toxin materials, and learning–enhancing acoustics for construction projects.

The State has relied upon the SFP as a means to provide an economic stimulus to construction–related trades and businesses while meeting the classroom needs of the K–12 student population. There have been $3.96 billion apportioned by the SAB through the Priority Funding process for school construction projects from August 2010 through December 2012 for these vital purposes. However, without these emergency regulatory amendments, the SAB would not have a mechanism to rescind the bond authority tied up in a growing number of projects.

The following chart supports the SAB's concern that in 2012 an increased percentage of projects on the Unfunded List (Lack of AB 55 Loans) did not participate in the Priority Funding process, thereby tying up reserved bond authority in projects that are not moving forward to construction:

Priority Funding Period Beginning	Total $ Eligible for Priority Funding (in millions)	Total $ Requesting to Participate (in millions)	Percent Participating and Requesting Apportionments
April 2010	$2,180.8	$1,612.2	73.9 %
October 2010	$2,595.8	$1,983.8	76.4 %
July 2011	$1,766.0	$1,318.5	74.7 %
January 2012	$1,289.2	$710.1	55.1 %
July 2012	$995.3	$534.3	53.7 %

Anticipated Benefits of the Proposed Regulations

The proposed emergency regulations promote fairness and the State's general welfare by helping to reallocate an estimated $200 million to $400 million of school bond authority from school construction projects that are not participating in or not requesting State apportionments through the Priority Funding process, and reallocating that bond authority to other projects to carry out the Legislative intent of AB 16, AB 127, and Propositions 47 (2002), 55 (2004), and 1D (2006) by funding:

- extreme financial, disaster–related, or other hardship pupil housing needs;
- funding for remedial health and safety projects;
- supplemental apportionments for small schools;
- cost adjustments for projects in densely populated urban areas;
- costs to modernize older school buildings; and
- projects that meet "high performance" rating criteria for components such as energy, water, natural lighting, air quality, use of recycled and

low–toxin materials, and learning–enhancing acoustics for construction projects.

The proposed emergency regulatory amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of these regulatory amendments will have a positive impact on public health and safety at public K–12 schools by reallocating an estimated $200 million to $400 million in school bond authority from construction projects that have twice chosen not to participate in or not to request State apportionments through the Priority Funding process.

Reallocating the bond authority to SFP projects that are ready to move forward toward construction will benefit construction–related trades and businesses, stimulate the State's economy, and relieve school pupil housing needs for classrooms. The dollars associated with these emergency regulatory amendments will also benefit the school district communities by stimulating the local economies.

Summary of the proposed emergency regulatory amendments, adoption of a new regulation section, and amendments to an associated form, are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed emergency amendments change the definition of the Form SAB 50–05, *Fund Release Authorization*, by changing the revision date from "10/12" to "01/13."

Existing Regulation Section 1859.51 sets forth criteria for adjusting a school district's new construction baseline eligibility, including subsection (d) requiring an adjustment as a result of audit findings pursuant to specified regulation sections. The proposed amendments add new Regulation Section 1859.90.3 to the specified sections under which an audit could result in adjusting the new construction baseline eligibility.

Existing Regulation Section 1859.61 sets forth criteria for adjusting a school district's modernization baseline eligibility, including subsection (d) requiring an adjustment as a result of audit findings pursuant to specified regulation sections. The proposed amendments add new Regulation Section 1859.90.3 to the specified sections under which an audit could result in adjusting the modernization baseline eligibility.

Existing Regulation Section 1859.90.2 establishes the Priority Funding Process described in the following four paragraphs:

1. It authorizes the SAB to establish 30–calendar day request filing periods for school districts and charter schools to request apportionments of available school bond funds.
2. It includes projects under the CSFP that may apply for advance release of design funds from a Preliminary Charter School Apportionment. It includes projects under the Critically Overcrowded School (COS) Facilities Program that may apply for advance release of environmental hardship site acquisition funds. These applicants must provide a written statement signed by the authorized district representative within the 30–calendar day filing period that acknowledges specific requirements for participation and funding. Applicants must also submit the Form SAB 50–05, with an original signature, to be received by the OPSC within 90 calendar days of the SAB's approval of the apportionment.
3. Also included are projects under the CSFP that may apply for advance release of site acquisition funds from a Preliminary Charter School Apportionment. These projects are subject to a timeline of 180 calendar days to file Form SAB 50–05, with the specific requirement to provide a written statement signed by an authorized representative within the 30–calendar day filing period that acknowledges specific requirements for participation and funding.
4. Participants meeting the priority funding process requirements but for which an Apportionment cannot be provided shall retain their date order position on the Unfunded List (Lack of AB 55 Loans). Participants failing to meet required criteria have their apportionment or approved advance release of funds returned to unfunded approval status with a specified unfunded approval date.

The proposed emergency regulatory amendments to Regulation Section 1859.90.2 are described in the following five paragraphs:

1. The second and third introductory paragraphs are deleted for the purposes of restating them with clarifying language as new subsection (c) and (c)(1). The restated text includes:
   - In subsection (c), the deleted phrase "(D)uring the priority funding process" is restated with clarification to mean only those instances where an Apportionment or advance release of funds is approved by the SAB.
   - In subsection (c)(1), the phrase ". . . shall be rescinded without further Board action" is restated but with the added criteria set forth in new subsection (c)(2).

2. New subsection (c)(2) adds the additional consideration of new Regulation Section 1859.90.3(c) and (d) before determining whether an SFP project returns to the Unfunded List (Lack of AB 55 Loans) or is removed from that List without further Board action. (Proposed adoption of new Regulation Section 1859.90.3 is discussed below.)
3. The two unnumbered paragraphs at the end of Regulation Section 1859.90.2 are assigned letters "(d)" and "(e)," respectively. This is a non–substantive change for the purpose of improved readability.
4. In newly lettered subsection (d), the term "Unfunded List" is clarified to mean "Unfunded List (Lack of AB 55 Loans)" as defined in Regulation Section 1859.2, Definitions, of the SFP Regulations. The name "Office of Public School Construction (OPSC)" is shortened to "OPSC" because this acronym is already identified in the Definitions section of the SFP Regulations. These are non–substantive changes for the purposes of improved readability and maintaining consistency in the SFP Regulations.
5. In newly lettered subsection (e), the word "after" is changed to "from" in determining a number of days following the apportionment date. This is a non–substantive change for the purpose of improved readability.

The proposed adoption of Regulation Section 1859.90.3 is described in the following seven paragraphs:

1. It would apply only to applications for:
   - New Construction
   - Modernization
   - Facility Hardship pursuant to Section 1859.82
   - Rehabilitation pursuant to Section 1859.83(e)
2. It would specifically exclude applications for the CSFP and the CTEFP.
3. It would provide for the rescission of an Apportionment and/or unfunded approval for SFP projects on the Unfunded List (Lack of AB 55 Loans) that twice choose not to participate in or not to request State apportionments through the Priority Funding process. Two ways are specified for a district to choose not to participate or not to request an apportionment:
   - Not participating in the 30–calendar day filing period for the Priority Funding process, or
   - Participating in the process and receiving an Apportionment but failing to submit a valid Form SAB 50–05 to request the release of funds.
4. The first occurrence of abstaining from participating in the 30–calendar day request filing period allows a project to keep its place on the Unfunded List (Lack of AB 55 Loans). The first occurrence of receiving a Priority Funding Apportionment but failing to submit a valid Form SAB 50–05 to request the release of funds would result in rescission of the Apportionment and the application returns to the Unfunded List (Lack of AB 55 Loans) with a new unfunded approval date that is 90 days from the date of Apportionment.
5. A subsequent occurrence of abstaining from participating in the 30–calendar day request filing period for the priority funding process or receiving a Priority Funding Apportionment but failing to submit a valid Form SAB 50–05 to request the release of funds shall mean that:
   - the application is removed from the Unfunded List (Lack of AB 55 Loans) without further Board action,
   - the bond authority associated with the Apportionment and/or unfunded approval returns to the appropriate SFP bond authority source for reallocation,
   - the application is returned to the applicant, and
   - the pupils assigned to the project would be added back to the district's baseline eligibility for new construction or modernization, if applicable.
6. Education Code Section 17070.35 is added as the Authority citation.
7. Education Code Sections 17072.12, 17072.30, 17074.16 and 17076.10 are added as Reference citations.

Existing Regulation Section 1859.90.3 is renumbered as "1859.90.4" because of the adoption of new Regulation Section 1859.90.3 preceding it. This is a non–substantive change for the purpose of correct numbering and maintaining continuity in the SFP Regulations.

Existing Regulation Section 1859.104 sets forth document submittal requirements for school districts receiving funds under the Leroy F. Greene School Facilities Act of 1998. It also refers to the release of funds to school districts pursuant to Regulation Section 1859.90 titled "Fund Release Process." The proposed amendments refer to an additional section in subsections (a)(1) and (b) in order for these reporting requirements to also apply to funding through the priority funding process.

Existing Regulation Section 1859.164.2 sets forth the Preliminary Charter School Apportionment fund release process, and refers to the release of funds pursuant to Regulation Section 1859.90 titled "Fund Release Process." The proposed amendment refers to an additional section in the last sentence of the final paragraph in order for this process to also apply to funding through the priority funding process.

Existing Regulation Section 1859.184.1 sets forth the Overcrowding Relief Grant Program application process for school districts with Financial Hardship approval, and refers to project timelines in Regulation Section 1859.90 titled "Fund Release Process." The proposed amendment refers to an additional section in the fifth line of the final paragraph in order for these timelines to also apply to the priority funding process.

Existing Form SAB 50–05, *Fund Release Authorization*, is the Form submitted by school districts and charter schools requesting the State to release their approved funding, provided the project has met specific criteria. The proposed amendments renumber "Section 1859.90.3" to "Section 1859.90.4" in one of the Certifications because of the proposed adoption of new Regulation Section 1859.90.3. In addition, the revision date of the Form changes from "10/12" to "01/13" so that applicants can identify and file the latest version of the Form. These are non–substantive changes for the purpose of providing correct references and maintaining consistency in the SFP Regulations.

Determination of Inconsistency or Incompatibility with Existing State Regulations:

The proposed emergency regulatory amendments resolve the problem of bond authority being tied up in school district construction projects that have ceased moving forward. There is currently no incentive for school districts to voluntarily withdraw their projects from the Unfunded List (Lack of AB 55 Loans) because school district inaction keeps a project's place in line on this List. Therefore, school districts with approved projects could tie up bond authority indefinitely. The proposed emergency regulatory amendments meet the need for a fair mechanism to reallocate the remaining bond authority to school districts ready to move their projects forward to construction.

The State's economy will be stimulated because school districts receiving an estimated $200 million to $400 million in bond authority will award their construction contracts. Such construction projects will create and maintain professional and trades jobs such as architects, engineers, surveyors, planners, equipment operators, installers of all types of building materials, framers, plumbers, roofers, electricians, installers of electronics, painters, finishers, landscapers, and administrators. Jobs are also created and sustained in manufacturing all building materials and components, including green technology and energy–saving components.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed emergency regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed emergency amendments are within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non–discretionary costs or savings to local agencies.
- The proposed emergency regulations create no costs to school districts beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Proceeding with the implementation of these amendments will have a positive impact on California businesses, such as local businesses, manufacturing, "green" technology and construction industries (i.e., architects, engineers, trades and municipalities), along with maintaining or creating an unspecified number of jobs. This will result when school bond authority reserved for construction/modernization projects that are not moving forward is reallocated to projects that are ready to move forward to construction.

The State's economy will be stimulated because school districts receiving an estimated $200 million to $400 million in bond authority will award their construction contracts. Such construction projects will create and maintain professional and trades jobs such as architects, engineers, surveyors, planners, equipment operators, installers of all types of building materials, framers, plumbers, roofers, electricians, installers of electronics, painters, finishers, landscapers, and administrators. Jobs are also created and sustained in manufacturing all building materials and components, including green technology and energy–saving components.

The State has relied upon the SFP as a means to provide an economic stimulus to construction–related trades and businesses while meeting the classroom needs of the K–12 student population. The SAB established the Priority Funding process in May 2010 and has held five Priority Funding periods (from August 2010 through December 2012), which apportioned a total of $3.96 billion to projects on the list of unfunded approvals. The priority funding process re–prioritizes SFP apportionments for school construction projects that are "construction–ready." Priority Funding apportionments are accomplished through authorized bond sales by the State Treasurer's Office, the return of bond funds from rescinded projects, and/or other sources.

Under these emergency regulations, rescinded school bond authority will return to the respective SFP funding programs for the SAB to reallocate to other projects that are ready to move forward toward construction. This will carry out the Legislative intent to build and modernize classrooms, create jobs in construction–related trades and industries, and stimulate the State's economy. This is in direct alignment with the Governor's directive.

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

- The proposed emergency regulations have a direct benefit upon public health and safety because the SAB elected to provide funding for Facility Hardship projects that replace or rehabilitate school facilities in critical cases where there is a serious risk to the health and safety of pupils. The action taken by the SAB, at its August 4, 2010 meeting, approved the placement of Facility Hardship projects with unfunded approvals at the top of the cumulative Unfunded List (Lack of AB 55 Loans) at all times, with placement order determined first by SAB approval date and next by date order received. This ensures the SAB's commitment to the health and safety of the students and public.
- The proposed emergency regulations promote fairness and the State's general welfare by helping to reallocate an estimated $200 million to $400 million of school bond authority from school construction projects that are not participating in or not requesting State apportionments through the Priority Funding process, and reallocating that bond authority to other projects to carry out the Legislative intent of AB 16, AB 27, and Propositions 47 (2002), 55 (2004), and 1D (2006) by funding:
  - ▶ extreme financial, disaster–related, or other hardship pupil housing needs;
  - ▶ funding for remedial health and safety projects;
  - ▶ supplemental apportionments for small schools;
  - ▶ cost adjustments for projects in densely populated urban areas;
  - ▶ costs to modernize older school buildings; and
  - ▶ projects that meet "high performance" rating criteria for components such as energy, water, natural lighting, air quality, use of recycled and low–toxin materials, and learning–enhancing acoustics for construction projects.
- The emergency regulations have a direct benefit to California businesses because once State bond funding has been released school districts are able to use the funds for construction projects; thus, expanding construction–related trades and businesses and stimulating the State's economy. These actions are in direct alignment with the Governor's directive. In addition, the dollars associated with these emergency regulatory amendments will benefit the school district communities by stimulating the local economies.
- There is no impact to the State's environment from the proposed emergency regulations.

The SAB finds the proposed emergency regulations fully consistent with the stated purposes and benefits of

AB 16 and AB 127, including the decision to prioritize Facility Hardship projects.

EFFECT ON SMALL BUSINESSES

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

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e–mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e–mail or fax must be received at the OPSC no later than July 15, 2013, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e–mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones,
Regulations Coordinator

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

E–mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 375–6721

AGENCY CONTACT PERSONS

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

ADOPTION OF REGULATIONS

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

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

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

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

RULEMAKING FILE

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

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

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

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

TITLE 2. STATE PERSONNEL BOARD

NOTICE OF INTENTION TO AMEND THE CONFLICT–OF–INTEREST CODE OF THE STATE PERSONNEL BOARD

NOTICE IS HEREBY GIVEN that the State Personnel Board, pursuant to the authority vested in it by Section 87306 of the Government Code proposes amendment to its conflict–of–interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The State Personnel Board 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 additional employees that must file a Form 700 Statement of Economic Interests and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 15, 2013, 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 30, 2013, by contacting the Contact Person set forth below.

The State Personnel Board has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based.

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

The State Personnel Board has determined that the proposed amendments:

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

In making these proposed amendments, the State Personnel Board 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:

Dorothy Bacskai Egel
Senior Attorney
State Personnel Board
801 Capitol Mall
Sacramento, California 95814
(916) 653–1403
Dorothy.egel@spb.ca.gov

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Pursuant to Section 44520(b) of the Health and Safety Code, the regulations being adopted herewith by the California Pollution Control Financing Authority (the "Authority") are, by legislative mandate, necessary for the implementation of small businesses assistance and the immediate preservation of the public peace, health and safety, and general welfare.

PROPOSED REGULATORY ACTION

The Authority proposed to adopt and extend Section 8035.5 of Title 4 of the California Code of Regulations

(the "Regulations") concerning the administration of the California Pollution Control Financing Authority's Bond Program. These Adopted Regulations are necessary to implement, interpret and make specific Articles 3 and 4 of the California Pollution Control Financing Authority Act (the "Act").

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44520(b), Health and Safety Code. Section 44520(b) of the Act authorizes the Authority to adopt regulations relating to small business financing as emergency regulations and instructs the Office of Administrative Law to consider such regulations to be "necessary for the immediate preservation of the public peace, health and safety or general welfare." Section 44520(a) of the Act authorizes the Authority to adopt necessary regulations to carry out its powers and duties under this division in administering applications for financing.

Reference: Section 44548(a)(1)(A), Health and Safety Code. These adopted regulations implement, interpret, and make specific Sections of the Act by adopting and extending Section 8035.5 of Title 4, Division 11, Article 3 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Authority to implement small business financing assistance programs pursuant to Section 44520(b) of the Health and Safety Code.

The proposed adoption extends a section to the existing regulations. The primary driver of these changes is to incent California companies to accelerate equipment investments by offering an Equipment Only Bond Financing Program to encourage companies to issue bonds through CPCFA instead of using conventional bank loans. The program will allow for lower costs of issuance fees to applicants making it more cost–effective to take advantage of the savings obtained by issuing tax–exempt bonds with a lower interest rate.

The proposed adoption to the current regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

The proposed amendments to the CPCFA Regulations are consistent and compatible with the existing state statute and regulations, and the objective is as follows:

Section 8035.5(a). *Adoption of this regulation section using identical language as expired section 8035.5.*

The Authority hereby establishes the Equipment Only Bond Financing Program to encourage bond financing for small businesses to meet their equipment purchasing needs.

In order to participate in the program, applicants must make the following covenants when they submit their request for financing:

(1) Bonds must have a final maturity of 12 years or less.

(2) At least 90% of the net project fund of the proposed bond issue must be used to finance equipment, rolling stock and the like with expected economic lives of no more than 10 years. No real estate, improvements thereto, buildings or the like are eligible.

(3) Bond counsel and disclosure counsel fees are limited to $45,000 collectively.

(4) Applicant's financing consultant fees are limited to 0.5% of par.

(5) Applicant's underwriter fees are limited to 0.7% of par.

(6) Applicant's counsel and co–counsel fees are limited to $12,500 collectively.

Section 8035.5(b). *Adoption of this regulation section using identical language as expired section 8035.5.*

The Authority will waive the fee as defined in § 8035(a).

Section 8035.5(c). *Adoption of this regulation section using identical language as expired section 8035.5.*

No more than $20 million of bonds may be issued per borrower under this program.

Section 8035.5(d). *Extension of the Equipment Only Bond Financing Program.*

The program will expire on December 31, 2014.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Adopted Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500–17630: None.

Other non–discretionary cost or savings imposed on local agencies: None.

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

Significant effect on housing costs: None.

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

Small Business: The Adopted Regulations will not have an adverse impact on small business in California and will not affect small business since they do not impose additional restrictions or cost on small business.

Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the Adopted 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.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The Adopted Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Benefits to the health and welfare of California residents, worker safety, and the state's environment: Please see benefit discussion under Informative Digest/Policy Statement Overview, page 1.

CONSIDERATION OF ALTERNATIVES

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

The Authority invites interested parties to present statements with respect to alternatives to the Adopted Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Adopted Regulations shall be submitted or directed to:

Andrea Gonzalez, Staff Services Analyst
California Pollution Control Financing Authority
915 Capitol Mall, Room 444
Sacramento, CA 95814
Telephone: (916) 651–7284
Fax: (916) 657–4821
Email: agonzalez@treasurer.ca.gov

Or:

Deanna Hamelin, Associate Treasury
Program Officer
California Pollution Control Financing Authority
915 Capitol Mall, Room 445
Sacramento, CA 95814
Telephone: (916) 657–4337
Fax: (916) 657–4821
Email: Deanna.Hamelin@treasurer.ca.gov.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Adopted Regulations to the Authority. The written comment period on the Adopted Regulations ends at **5:00 p.m. on July 15, 2013**. All the comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in

the Notice Register, the rulemaking file consists of this notice, the Initial Statement of Reasons and the proposed text of the Adopted Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at http://www.treasurer.ca.gov/cpcfa/index.asp.

PUBLIC HEARING

A request for a public hearing may be made by written request to the Agency Contact Person no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Adopted Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Adopted Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or found at the Authority's website at http://www.treasurer.ca. gov/cpcfa/index.asp.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

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

PUBLIC MEETING: On **July 18, 2013,** at 10:00 a.m. in the Council Chambers of the Costa Mesa City Hall 77 Fair Drive, Costa Mesa, California.

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

PUBLIC HEARING: On **July 18, 2013,** at 10:00 a.m. in the Council Chambers of the Costa Mesa City Hall 77 Fair Drive, Costa Mesa, California.

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

BUSINESS MEETING: On **July 18, 2013,** at 10:00 a.m. in the Council Chambers of the Costa Mesa City Hall 77 Fair Drive, Costa Mesa, California.

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

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274–5721 or the statewide Disability Accommodation Coordinator at 1–866–326–1616 (toll free). The statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1–800–735–2929 (TTY) or 1–800–855–3000 (TTY–Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer–Aided Transcription System or Communication Access Realtime Translation (CART), a sign–language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for

an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders, General Industry Safety Orders, and Tunnel Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **July 18, 2013.**

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
   Division 1, Chapter 4, Subchapter 7, Article 107, Section 5155
   Airborne Contaminants, N–Methylpyrrolidone
2. TITLE 8: **TUNNEL SAFETY ORDERS**
   Division 1, Chapter 4, Article 19, Sections 8495, 8496, 8497 and 8500
   Cranes & Derricks in Construction — Underground and Demolition

Descriptions of the proposed changes are as follows:

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
   Division 1, Chapter 4, Subchapter 7, Article 107, Section 5155
   Airborne Contaminants, N–Methylpyrrolidone

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 5155, Airborne Contaminants, establishes minimum requirements for controlling employee exposure to specific airborne contaminants. California periodically amends the airborne contaminants table (Table AC–1) in this standard to keep it consistent with current information regarding harmful effects of exposure to these substances and other new substances not listed.

For the substance N–Methylpyrrolidone (NMP), proposed to be newly listed in Table AC–1, a Permissible Exposure Limit (PEL) of 1 part per million in air (ppm) as an 8–hour time–weighted average (TWA) is proposed along with a "Skin" notation and an equivalent PEL in units of milligrams per cubic meter of air (mg/M^3). The proposed PEL and proposed Skin notation are necessary to prevent effects on the developing fetus based on findings of an animal toxicology study described in the Initial Statement of Reasons for this rulemaking.

The PEL proposed in this rulemaking was considered by an advisory committee convened by the Division of Occupational Safety and Health (Division), the Health Expert Advisory Committee (HEAC), in meetings in November 2007, January and September 2008, and March, June and September 2009. The HEAC considered the health basis of possible changes to the PEL based on a range of scientific information. As in the last round of work on PELs, technical assistance was provided to the Division by staff of the Office of Environmental Health Hazard Assessment in the California Environmental Protection Agency and the Hazard Evaluation System and Information Service in the California Department of Public Health. In addition, informal public comment was invited on the range for possible PELs recommended by the HEAC for potential feasibility and cost issues at a meeting of the Division's Feasibility Advisory Committee (FAC) on December 8, 2009. The meetings of both the HEAC and the FAC were open to the public.

The effect of these amendments is to reduce the risk of material impairment of health or functional capacity of employees exposed to N–Methylpyrrolidone. In the interest of clarity and ease of reference by the regulated public, the proposed regulatory text lists three additional commonly used names for this substance, along with its Chemical Abstracts Register number, a unique numeric identifier.

The proposed changes to Section 5155 are considered to be at least as effective as, or more stringent than, the federal OSHA requirements for these substances found at 29 CFR 1910.1000 for Air Contaminants. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is "the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.

- Differs from existing federal standards, in that they do not currently include a PEL value for NMP. Labor Code section 147.1(c) mandates with respect to occupational health issues not covered by federal standards that the Division maintain surveillance, determine the necessity for standards, and develop and present proposed standards to the Standards Board. For a variety of reasons, the federal standards for air contaminants have remained largely unrevised since their promulgation in the early 1970s, with the exception of substances for which individual comprehensive chemical hazard control standards have been promulgated, primarily for carcinogens. Since the federal standards were promulgated over 40 years ago, scientific studies with experimental animals have shown that NMP has the potential to harm the developing fetus. The Standards Board believes the Division appropriately carried out its mandate under Labor Code section 147.1 to present to the Standards Board the PEL proposed for NMP in this rulemaking, including a determination of necessity for the proposed amendment. In addition, the Standards Board believes that with this proposal, it is carrying out its mandate under Labor Code section 144.6 to adopt standards dealing with toxic materials which most adequately assure, to the extent feasible, that no employee will suffer material impairment of health or functional capacity, taking into account the latest available scientific data in the field and the reasonableness of the standard.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- Is the least burdensome effective alternative. A PEL higher value than that being proposed in this rulemaking would not be sufficiently effective in reducing the risk of productive toxicity posed to workers by NMP. This rulemaking proposal was developed with the assistance of two technical advisory committees: one that considered scientific data on health risks associated with exposure to NMP, and a second that considered concerns of cost and feasibility of implementation in the workplace. These committees were comprised of subject matter experts with expertise relevant to the concerns they were considering and from a range of different institutional orientations most notably health and chemical exposure science, industry, medicine, and government. In addition, a stakeholder organization with a specific interest in the subject under consideration, the NMP Producers Group participated actively in the advisory process, sending a scientific representative to present and discuss information and recommendations with the health committee, and sending a letter that was considered in the advisory committee discussion of cost and feasibility. The PEL proposed is performance based and thus is consistent with the preference stated for this type of standard in Labor Code section 144.6 when dealing with toxic materials. As a performance based standard, the proposed regulation does not mandate particular methods or practices in order to achieve compliance.

COST ESTIMATES OF PROPOSED ACTION

The subject proposal is for a new Permissible Exposure Limit (PEL) for N–Methylpyrrolidone (NMP), a chemical that can be a workplace airborne contaminant where it is used. The primary users of NMP are employers in the private industrial and chemical sectors. The exposure limit proposed is consistent with scientific findings and governmental findings of which professional health and safety staff and consultants of these entities should be aware and it is in the range of exposure limitation recommended and discussed in a Health Hazard Advisory for NMP developed in 2006 by the Hazard Evaluation System and Information Service (HESIS) in the California Department of Health Services. Many of the employer entities that would be affected by the PEL proposed for NMP already seek to control employee exposures to the lowest possible level in the interest of business continuity, other more general requirements to protect worker health and safety, and minimization of tort and workers' compensation liability. Therefore, the additional expenditures for these entities to comply with the revised standard are estimated to be insignificant to none.

There was discussion at a public advisory committee meeting on feasibility and cost of the proposed PEL for NMP. Comment letters were received from an organization representing workers, WorkSafe, and from the NMP Producers Group, an association composed of three domestic manufacturers of NMP. The WorkSafe letter focused on a report indicating that effective alternatives to NMP are available at or about the same total

cost. Such alternatives could be one option for achieving compliance with the proposed PEL for NMP. The NMP Producers Group provided a number of scientific reports on NMP exposure levels in different workplace operations and a letter suggesting that while these reports found that exposures in the most common uses of NMP may be in the range of, or below, 1 ppm, there could be costs associated with control measures to achieve and verify compliance with this level as a PEL. However, the Producers Group letter did not provide specific information on these concerns. While some costs may result from the proposed PEL they are not believed to be significant.

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

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

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

For the FAC meeting at which NMP was discussed, comment letters were submitted by WorkSafe and the NMP Producers Group. Considering these letters the FAC concluded that a PEL of 1 ppm for NMP should be feasible in California and the Standards Board concurs with that assessment.

In light of the limited economic impact of the proposal (as a result of the FAC feasibility determination), the adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

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

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

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

EFFECT ON SMALL BUSINESSES

The Standards Board has determined that the proposed amendments may affect small businesses. However, no adverse economic impact is anticipated. The feasibility and cost of implementation of the proposed PEL for NMP was discussed by the FAC. This commit-

tee concluded that no information had been presented supporting a conclusion that a PEL of 1 ppm would be infeasible in any particular industrial sector or operation. In light of this, the Standards Board believes there will be no adverse economic impact on small businesses as a result of the PEL proposed for NMP.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses as a result of the PEL proposed for NMP. The economic impact of the proposed PEL for NMP was discussed by the FAC. This committee concluded that no information had been presented supporting a conclusion that a PEL of 1 ppm would be infeasible in any particular industrial sector or operation. In light of this, the Standards Board believes there will be no adverse economic impact as a result of the PEL proposed for NMP.

Benefits of the Regulation:

Setting a Permissible Exposure Limit for NMP that is up–to–date and consistent with current scientific information and state policies on risk assessment will send appropriate market signals to employers with respect to the costs of illness and injury which chemicals can impose on workers and their families, the government, and society at large. With appropriate market signals, employers may be better able to choose chemicals for use in the workplace that impose less of a burden on workers and society.

ALTERNATIVES STATEMENT

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

2. TITLE 8: **TUNNEL SAFETY ORDERS**
Division 1, Chapter 4, Article 19,
Sections 8495, 8496, 8497 and 8500
Cranes & Derricks in Construction — Underground and Demolition

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates that the Board adopt standards at least as effective as federal standards addressing occupational safety and health issues.

On August 9, 2010, the U.S. Department of Labor, Occupational Safety and Health Administration (Federal OSHA) issued a final standard updating the requirements for cranes and derricks used in construction work (CDAC). However, due to federal formatting, the final federal standard inadvertently did not apply to demolition and underground construction work. Federal OSHA therefore issued on August 17, 2012, a Direct final rule and Notice of proposed rulemaking to apply the updated standards for cranes and derricks in construction to demolition and underground construction work as well.

California adopted the 2010 federal CDAC standard using the Horcher process; however, due to differences in formatting between state and federal, the federal omissions and oversights did not affect state standards in the same way. Nevertheless, some state modifications are necessary to conform state standards for cranes and derricks used in demolition and underground construction to the latest federal rule.

The current state standards for cranes and derricks used in demolition and underground construction are found in the General Industry Safety Orders, the Tunnel Safety Orders, and the Construction Safety Orders. Due to format differences between the proposed federal and state standards, Board staff recommends that this rulemaking be done via conventional rulemaking procedures (vis–à–vis Horcher) to afford the public an opportunity to comment on all aspects of the proposed changes.

The Board is relying on the explanation of the federal standards found in Federal Register, Volume 77, No. 160, pages 49722–49728 and 49741–49748, August 17, 2012, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt standards which will have the same effect as the federal standards except where existing state standards provide a higher level of safety.

This proposed rulemaking action contains non–substantive, editorial, reformatting of subsections, and grammatical revisions. These non–substantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. This regulatory proposal is intended to provide worker safety at places of employment in California. In addition to these non–substantive revisions, the following actions are proposed:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is "the only

agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.

- Differs from existing federal standards, in that it references General Industry Safety Orders, Group 13 standards for Cranes and Other Hoisting Equipment. The federal standards cross–reference to 29 CFR Part 1926, Subpart CC, Cranes and Derricks in Construction. California's Tunnel Safety Orders have historically used horizontal standards for cranes and derricks contained in the General Industry Safety Orders. Modifications to existing text in order to provide equivalency with federal standards are clearly indicated in strikeout and underline form in the text.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative. The proposal retains existing standards to the maximum extent possible and only modifies and amends existing standards where necessary to provide safety equivalent to recently promulgated federal standards as required by California Labor Code Section 142.3.

Section 8495, Hoisting Equipment and Systems, subsection (a)(11).

This subsection requires a non–combustible hoist house to be constructed such that, wherever possible, a clear and unobstructed view of the shaft collar is provided. A new subsection (A) is proposed to add that a fire extinguisher is to be mounted in each hoist house. The effect of this addition will be to clarify Division of Occupational Safety and Health (Division) enforcement policy and to conform to federal OSHA requirements.

Section 8495(b), Personnel Hoisting Systems, subsection (5).

This subsection requires personnel hoists to be equipped with two brakes. One is to be an automatic brake that will be applied whenever the power fails, is shut off or when the power control lever is in the "off" position. The other is to be a hand or foot brake that operates on the hoist drum. It is proposed to modify this requirement to require "at least two brakes" and to clarify that a broken–rope safety, safety catch, or arrestment device is not a permissible means of stopping under this section. The effect of these modifications will be to provide equivalency with federal standards for underground construction.

Section 8495(c)(4), Shaft Conveyances.

This subsection specifies minimum thicknesses and maximum mesh for side casings of conveyances used for moving personnel. It is proposed to modify these specifications to comply with more protective federal standards. The effect of these modifications will be to provide safety at least as effective as federal standards.

Section 8496(c)(3), Shafts and Raises Under Construction.

This subsection provides that in areas of shaft construction where buckets or cages without guides are used for handling personnel and material, the travel speed of the conveyance shall not exceed 200 feet per minute. It is proposed to add that, where practicable, governor controls shall be installed and used during personnel hoisting. This modification recognizes that speed governors are only available on hoists and may not be practicable for personnel hoisting using cranes. The effect of this amendment will be to provide equivalency with federal standards.

Section 8500, Hoisting Operations, subsection (p).

This subsection provides that personnel and materials shall not be hoisted together in the same conveyance unless the cage operator is protected from shifting materials. An amendment is proposed to add that personnel may only ride in a cab or skip with materials when the conveyance is controlled by the operator riding in that conveyance. The effect of this amendment is to enhance operator safety and to provide equivalency with federal standards.

Section 8500, Hoisting Operations, subsection (t). (New subsection).

This new subsection will (1) clarify requirements that materials being raised or lowered are to be secured or stacked in a manner to prevent the load from shifting, snagging or falling into the shaft, and (2) add a requirement for flashing warning lights to be located at the shaft bottom and subsurface shaft entrances to warn employees whenever a load is above or whenever the load is being moved in the shaft. The effect of these modifications will be to enhance employee safety and to provide equivalency with federal standards.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and

health regulations. The consistency and compatibility of that system's component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterpart.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

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

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.[1]

Cost Impact on Private Persons or Businesses

Based on a federal final economic analysis[2], the Board believes that any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action are expected to be insignificant and cannot be accurately determined.

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

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

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

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no significant adverse economic impacts are anticipated because changes are minor modifications of existing state standards necessary to be equivalent to a recently promulgated federal direct final rule.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

Benefits of the Regulation: Clarifications will provide improved guidance for employers in providing safe working conditions for cranes and derricks used in underground construction and demolition.

[1] Federal Register, Vol. 77, No. 160, pp. 49725–49727.
[2] Ibid.

ALTERNATIVES STATEMENT

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

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **July 12, 2013**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **July 18, 2013**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274–5743 or e–mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

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

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

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

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

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter, "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the following time, date and location:

Thursday, August 1, 2013
10:00 a.m.
Board of Barbering and Cosmetology
Sequoia Room
2420 Del Paso Road
Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Thursday, August 1, 2013, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 7312 of the Business and Professions Code, and to implement, interpret or make specific Sections 7362.1, 7362. 2, 7362.3 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend Section 940.

Section 7312 of the Business and Professions Code requires the Board make rules and regulations in aid or furtherance of the Barbering and Cosmetology Act, conduct and administer examinations for licensure and issue licenses to applicants that may be entitled thereto. Sections 7362.1, 7362.2 and 7362.3 mandate that schools of barbering, cosmetology (which encompasses hairstyling, esthetics and nail care) and electrology possess the equipment necessary to properly train a certain minimum number of students. This statutory mandate requires that the Board define in regulation what minimum level of equipment is necessary. This regulatory proposal would update the existing minimum level of equipment required at cosmetology schools to reflect a changing industry and, for the first time, define the minimum level of equipment necessary at barbering and electrology schools.

B. Policy Statement Overview/Anticipated Benefits of Proposal

For many years, the Board has specifically defined the minimum equipment necessary for cosmetology schools, but offered only recommendations for equipment at barbering schools and no equipment requirements or recommendations at all at electrology schools. While the state's 26 barbering and two electrology schools have historically provided sufficient equipment to meet their students' needs, the Board is concerned that failure to define the minimum equipment level could lead to some barbering and electrology students being poorly trained in the use of equipment typically used in their chosen profession, as well as creating an unfair disadvantage between schools that follow the Board requirements/recommendations and schools that do not. This regulatory proposal would avoid those pitfalls and help ensure the success of both students and schools.

C. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

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.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. While there is a cost involved for new schools (from approximately $3,000 for a barber school to $17,000 for an electrology school, based on typical equipment prices), the Board has determined that California's existing schools would be unaffected because they are already either following the minimum requirements or recommendations, or surpassing them. Moreover, given that barbering and cosmetology services rely on the use of specialized tools and equipment, the Board has determined it is unlikely that a school without proper equipment to teach students would be able to successfully compete with schools that do, either in California or other states.

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 Board are:

- $7,000 for a new school of cosmetology.
- $3,000 for a new school of barbering.
- $17,000 for a new school of electrology.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that although these regulations will affect small businesses, the cost of school equipment will be easily absorbed, and should not affect existing small businesses at all, because they already either follow or exceed the regulations voluntarily. Moreover, all of the equipment required under these regulations is necessary for the successful operation of a barbering, cosmetology and electrology school. A school without this equipment would be unable to train students properly.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on 1) the creation of jobs or new businesses in California; or 2) the elimination of jobs or existing businesses in California; or 3) the expansion of businesses in California. This is because any new barbering, cosmetology or electrology schools would need to purchase the equipment listed in this regulatory proposal in order to operate successfully and fulfill existing statutory and regulatory requirements for training applicants for licensure.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment:

While this regulation holds no benefit for the environment, it is to the benefit of worker and public safety that people entering the barbering, cosmetology and electrology fields be familiar with the specialized equipment they will use to perform services and maintain proper health and safety standards.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, 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 Contact Person named below.

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

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

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

CONTACT PERSON

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

Name: Kevin Flanagan
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone No.: (916) 575–7100

Fax No.: (916) 928–6810
E–Mail Address: Kevin.Flanagan@dca.ca.gov

The backup contact person is:

Name: Debra Brown
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone No.: (916) 575–7100
Fax No.: (916) 928–6810
E–Mail Address: Debra.Brown@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter, "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following times, dates and locations:

Wednesday, July 17, 2013
10:00 a.m.
Board of Barbering and Cosmetology
Sequoia Room
2420 Del Paso Road
Sacramento, California 95834

Monday, July 22, 2013
10:00 a.m.
Paul Mitchell — the School
3309 Hyland Avenue
Suite J
Costa Mesa, CA 92626

Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, July 22, 2013, or must be received by the Board at one of the hearings. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7312 and 7406 of the Business and Professions Code, and to implement, interpret or make specific Sections 7312(e), 7316, 7320 and 7320.1 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Adopt Section 977.

Section 7312 of the Business and Professions Code requires the Board adopt rules governing sanitary conditions and precautions that are reasonably necessary to protect the public health in barbering and cosmetology establishments and schools, and in the practice of the professions regulated by the Board. This regulatory proposal would add a section of definitions to Article 12, Division 9 of Title 16 of the California Code of Regulations.

Adopt Section 980.4.

Section 7312 of the Business and Professions Code requires the Board adopt rules governing sanitary conditions and precautions that are reasonably necessary to protect the public health in barbering and cosmetology establishments and schools, and in the practice of the professions regulated by the Board. This regulatory proposal would add regulations regarding the use of pedicure foot spa liners to Article 12, Division 9 of Title 16 of the California Code of Regulations.

Amend Sections 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993 and 994.

Section 7312 of the Business and Professions Code requires the Board adopt rules governing sanitary conditions and precautions that are reasonably necessary to protect the public health in barbering and cosmetology establishments and schools, and in the practice of the professions regulated by the Board. These regulatory proposals would update, clarify and strengthen the Board's existing health and safety regulations, as well as require, under the proposed amendments to Section 982, that electrolysis needles be single–use and disposable.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Under Section 7303.1, the Board is mandated to make protection of the public its highest priority. The primary method by which the Board achieves this goal is by following its mandate under Section 7312 of the Business and Professions Code to formulate and enforce health and safety regulations. This regulatory action furthers that goal by updating, clarifying and strengthening existing regulations and adopting new regulations to reflect practical changes in the barbering and cosmetology industry.

C. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

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.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

Cost Impact on Representative Private Person or Business:

This regulatory proposal would require that single–use, disposable electrolysis needles be used by electrologists. These types of needles cost approximately 50 cents each. The Board has determined that the practical impact of these requirements will be negligible because of the needles' low cost and because most of the State's approximately 1,600 licensed electrologists already use these implements, which are recommended by the American Electrology Association, the electrologists' professional organization.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not have a negative effect on small businesses because these regulatory proposals are mostly updates or clarifications of existing rules that have no associated economic cost. While there is a small cost associated with the requirements that electrologists use single–use, disposable electrolysis needles, the Board has determined the practical impact on small business will be minor because the requirements mirror the recommendations of the American Electrology Association, which are already widely followed in the industry.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety and the state's environment:

By clarifying and updating its health and safety regulations to reflect changes in the Barbering and Cosmetology industry, the Board enhances its primary mission of protecting the public.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, 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 Contact Person named below.

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

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

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

CONTACT PERSON

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

Name: Kevin Flanagan
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone No.: (916) 575–7100
Fax No.: (916) 928–6810
E–Mail Address: Kevin. Flanagan@dca.ca.gov

The backup contact person is:

Name: Debra Brown
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone No.: (916) 575–7100
Fax No.: (916) 928–6810
E–Mail Address: Debra.Brown@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml.

TITLE 16. VETERINARY MEDICAL BOARD

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Hearing Room at 2005 Evergreen Street, Sacramento, California at 10 a.m. on Wednesday, July 24, 2013.

Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, July 15, 2013, or must be received by the Board at the hearing.

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

Authority and Reference:

Pursuant to authority vested by Business and Professions Code section 4808 and to implement, interpret or make specific sections 135, 4800, 4841.1, 4841.4, 4841.5, 4842.5, 4846.1, and 4848 of said Code, the Board is considering changes to Division 20 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinarian Medicine Practice Act.

This regulatory proposal will adopt or amend CCR sections 2002, 2010, 2010.1, 2010.2, 2014, 2014.1, 2015, 2015.1, 2068.6, and 2071.

B. Policy Statement Overview/Anticipated Benefits of Proposal

C. BPC section 4841.4 specifically directs the Board, among other things, to establish that the examination for veterinary technicians shall consist of a national licensing examination and an examination specific to animal health care tasks limited to California registered veterinary technicians. The Board currently administers a single veterinary technician examination that measures knowledge on health care tasks in California.

The Board currently administers a single veterinary technician examination that focuses on California animal health care tasks. By incorporating the national veterinary technician examination as a prerequisite to eligibility for licensure the Board is formally adopting the national minimum competency standard for veterinary technicians. Then, by creating a separate examination specific to animal health care tasks in California the Board will be more effectively testing for all minimum competencies of veterinary technology in California and thereby affording increased protection to the consumer through increased assessment of applicants' knowledge and ability to perform veterinary technician–specific job tasks.

The American Association of Veterinary State Boards (AAVSB) approves veterinary technician applicants for most licensing jurisdictions. Only those applicants who have graduated from American Veterinary Medical Association accredited schools are eligible to take the Veterinary Technician National Examination (VTNE) through the AAVSB approval process. California veterinary technician candidates who apply for examination eligibility through California's "alternate route" (CCR section 2068.5) will be made eligible to take the VTNE. Adopting the VTNE as the single standard for

competency provides consumer protection and allows veterinary technicians more licensure mobility from state to state.

D. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

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.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

BPC section 4841.4 directs the Board to establish that the veterinary technician examination shall consist of a national licensing examination and an examination specific to animal health care tasks limited to California registered veterinary technicians.

Along with other application requirements, veterinary technician candidates are required to have passed the VTNE and California veterinary technician examination prior to licensure and presumed employment by a California business as a registered veterinary technician. The Board does not anticipate there will be any change to the number of veterinary technician applicants based on the new examination requirements.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. BPC section 4841.4 directs the Board to establish that the veterinary technician examination shall consist of a national licensing examination and an examination specific to animal health care tasks limited to California registered veterinary technicians.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

By requiring California veterinary technician applicants to take the national veterinary technician examination and California veterinary technician examination consumers are assured that veterinary technicians have met the national examination standard as well as the California standard thereby affording increased protection to the consumer through increased assessment of applicants' knowledge and ability to practice veterinary technician–specific job tasks.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, 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 Board at 2005 Evergreen Street, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Ethan Mathes
Address: Veterinary Medical Board
2005 Evergreen Street,
Suite 2250
Sacramento, CA 95815
Telephone No.: 916–263–1598
Fax No.: 916–263–2621
E–Mail Address: ethan.mathes@dca.ca.gov

The backup contact person is:

Name: Susan Geranen,
Executive Officer
Address: same as above
Telephone No.: 916–263–2610
Fax No.: 916–263–2621
E–Mail Address: vmb@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES MAY EXTEND SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 13–002 for supplemental reimbursement to specified private hospitals meeting requirements that provide services to Medi–Cal beneficiaries. The effective date for SPA 13–002 is July 1, 2013.

Currently, the Department of Health Care Services has federal authority, through the Medi–Cal Hospital Uninsured Care 1115 Demonstration Waiver, Selective Provider Contracting Program (SPCP) contract, to make supplemental reimbursement for private hospitals meeting specified requirements and provide services to Medi–Cal beneficiaries. In anticipation of the SPCP contract ending June 30, 2013, the department is preparing SPA 13–002 to seek the continuation of federal authority to make supplemental reimbursement to qualified hospitals meeting specific criteria.

The proposed SPA is subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Pamela Tello, Chief, Medi–Cal Supplemental Payments Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899–7436 or emailed to Pamela.Tello@dhcs.ca.gov.

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES MAY EXTEND SUPPLEMENTAL REIMBURSEMENT FOR QUALIFIED PRIVATE HOSPITALS

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 13–015 for supplemental reimbursement to specified private hospitals meeting requirements that provide services to Medi–Cal beneficiaries. The effective date for SPA 13–015 is July 1, 2013.

Currently, the Department of Health Care Services has federal authority, through the Medi–Cal Hospital Uninsured Care 1115 Demonstration Waiver, Selective Provider Contracting Program (SPCP) contract, to make supplemental reimbursement for private hospitals meeting specified requirements and provide services to Medi–Cal beneficiaries. In anticipation of the SPCP contract ending June 30, 2013, the department is preparing SPA 13–015 to seek the continuation of federal authority to make supplemental reimbursement to qualified hospitals meeting specific criteria.

The proposed SPA is subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Pamela Tello, Chief, Medical Supple-

mental Payments Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899–7436 or emailed to Pamela.Tello@dhcs.ca.gov.

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

DEPARTMENT OF MANAGED HEALTH CARE

NOTICE OF AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS OF THE DEPARTMENT OF MANAGED HEALTH CARE

PLEASE TAKE NOTICE that the Department of Managed Health Care's precedent decision index is available for purchase or you may view it at the Department of Managed Health Care's website located at www.dmhc.ca.gov/healthplans/gen/gen_precedent.aspx#cgc.

You may obtain a copy by either calling or writing to:

Office of Legal Services
Department of Managed Health Care
980 9th St. Ste 500
Sacramento, CA 95814
Phone No. (916) 322–6727
Fax No. (916) 322–3968
Email: pra@dmhc.ca.gov

This notice is published pursuant to California Government Code section 11425.60, subdivision (c).

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2013–0405–02
BUREAU OF AUTOMOTIVE REPAIR
Referee Services and Repair Cost Waiver Limit

This rulemaking action amends two and adopts one section in Title 16 of the California Code of Regulations. The purpose of the rulemaking is to define the inspections that may be made by state–contracted referees. Additionally, the Bureau of Automotive Repair is also revising the repair cost limit to match today's current dollar value. This increases the amount to $650 in smog check–related repairs by a vehicle owner before they can qualify for a repair cost waiver.

Title 16
California Code of Regulations
ADOPT: 3340.4 AMEND: 3340.1, 3340.43
Filed 05/17/2013
Effective 07/01/2013
Agency Contact: Vince Somma (916) 403–0159

File# 2013–0423–02
CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY
ABX1 14 Clean Energy Upgrade Financing Program

This Certificate of Compliance makes permanent the emergency regulatory action (OAL file no. 2013–0117–03EE) adopting Article 3 beginning with Section 10050 of Division 13 of Title 4 of the California Code of Regulations. Article 3 contains regulations for the loan loss reserve program under the Clean Energy Upgrade Financing Program. These regulations establish the rules, process and procedures for the Clean Energy Upgrade Financing Program including the eligibility and evaluative criteria loans must meet in order for participating financial institutions to qualify and receive a loan loss reserve contribution.

Title 4
California Code of Regulations
ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
Filed 05/22/2013
Effective 05/27/2013
Agency Contact: Jennifer Gill (916) 653–3033

File# 2013–0417–01
CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE
CA Debt Limit Allocation Committee (Scattered Site, RDA, and Misc.)

This regulatory action is a timely filed certification of compliance of a deemed emergency pursuant to Government Code section 8869.94. The purpose of these adoptions and amendments is to promote housing for lower income families and individuals and to preserve

and rehabilitate existing government assisted housing for this same population. Definitions are added; clarifications are made regarding evaluation criteria; application requirements are provided for both scattered site projects and for seeking a forward commitment in lieu of award; and four incorporated by reference documents are updated to reflect these changes.

Title 4
California Code of Regulations
ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
Filed 05/16/2013
Effective 07/01/2013
Agency Contact: Misti Armstrong (916) 653–3461

File# 2013–0409–01
CALIFORNIA SCHOOL FINANCE AUTHORITY
Charter School Facilities Credit Enhancement Grant Program

This rulemaking action by the California School Finance Authority updates the Charter School Facilities Credit Enhancement Grant Program (Program) within title 4 of the California Code of Regulations. These amendments allow more California charter schools to become eligible to apply for award reservations under the Program.

Title 4
California Code of Regulations
AMEND: 10192, 10193, 10194, 10195, 10196, 10197, 10198
Filed 05/16/2013
Effective 05/16/2013
Agency Contact:
Katrina Johantgen (213) 620–2305

File# 2013–0404–01
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Visiting Searches

This rulemaking by the California Department of Corrections and Rehabilitation (CDCR) amends sections 3173.2 and 3174 in title 15 of the California Code of Regulations. Specifically, section 3173 is amended to clarify the procedures for screening visitors to State prisons. Section 3174 is amended to clarify when military or law enforcement type clothing may be worn by visitors to State prisons.

Title 15
California Code of Regulations
AMEND: 3173.2, 3174
Filed 05/16/2013
Effective 05/16/2013
Agency Contact: Gail Long (916) 445–2276

File# 2013–0515–01
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This emergency regulatory action expands the quarantine area for light brown apple moth "LBAM" ("Epiphyas postvittana") by approximately 18 square miles in the Oceanside area of San Diego County. These new quarantine areas are being established after four adult male LBAM were found in the said area and within three miles of each other. This quarantine expansion will result in a total of approximately 6,069 square miles under regulation within the State for the pest. The effect of this amendment to the regulation is to establish the authority for the State to perform quarantine activities against the LBAM in this additional quarantine area.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 05/20/2013
Effective 05/20/2013
Agency Contact: Stephen S. Brown (916) 654–1017

File# 2013–0520–05
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

The California Department of Food and Agriculture proposed to amend by emergency regulatory action section 3434 of title 3 of the California Code of Regulations to add the Huntington Beach area in the County of Orange to the interior quarantine area for light brown apple moth (LBAM).

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 05/22/2013
Effective 05/22/2013
Agency Contact: Stephen S. Brown (916) 654–1017

File# 2013–0503–03
DEPARTMENT OF INSURANCE
Health and Disability Fraud Assessment

This rulemaking action by the Department of Insurance amends section 2698.95 of title 10 of the California Code of Regulations by increasing the assessment for each insured under an individual or group disability insurance policy from ten cents to twenty cents.

Title 10
California Code of Regulations
AMEND: 2698.95(a)
Filed 05/20/2013
Effective 07/01/2013
Agency Contact: Gene Woo (415) 538–4496

File# 2013–0415–03
DEPARTMENT OF PUBLIC HEALTH
Long Term 1 & 2 Enhanced Surface Water Treatment Rules

This rulemaking by the California Department of Public Health adopts, amends, and repeals sections of Title 22 relating to enhanced surface water treatment rules. California has been granted primary enforcement responsibility for drinking water safety by the U.S. Environmental Protection Agency. California must promulgate regulations that are no less stringent than the Federal regulations, which this action does. Also, regulations pursuant to the Permit Reform Act of 1981 (Repealed) are repealed and provisions relating to the Safe Drinking Water State Revolving Fund are amended.

Title 22
California Code of Regulations
ADOPT: 64651.12, 64651.13, 64651.15, 64651.48, 64651.52, 64651.54, 64651.61, 64651.62, 64654.8, 64656.5, 64664.2, 64665.5 AMEND: 63011, 63012, 63020, 63021, 63052, 64650, 64651.88, 64652, 64652.5, 64653, 64655, 64656, 64660, 64662, 64663, 64664, 64666 REPEAL: 64657, 64657.10, 64657.20, 64657.30, 64657.40, 64657.50
Filed 05/22/2013
Effective 07/01/2013
Agency Contact: Linda M. Cortez (916) 440–7807

File# 2013–0415–02
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Mercury Thermostat Collection and Performance Requirements

This rulemaking action establishes the annual collection performance goals for the collection of mercury–containing thermostats which would otherwise become waste, and the methodology for calculating the number of out–of–service, mercury–containing thermostats which become waste annually. The rulemaking action also establishes identification requirements for thermostats delivered to collection centers and the annual reporting requirements for manufacturers.

Title 22
California Code of Regulations
ADOPT: 66274.1, 66274.2, 66274.3, 66274.4, 66274.5, 66274.7, 66274.8
Filed 05/15/2013
Effective 07/01/2013
Agency Contact: Andre Algazi (916) 324–3114

File# 2013–0510–02
GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT
Conflict of Interest Code

This is an amendment to a Conflict of Interest Code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2
California Code of Regulations
ADOPT: 59740
Filed 05/16/2013
Effective 06/15/2013
Agency Contact:
Virginia Gutierrez (916) 322–0659

File# 2013–0502–01
PROFESSIONAL FIDUCIARIES BUREAU
Mailing Address Change

The Professional Fiduciaries Bureau submitted this Section 100 action to change its mailing address provided in title 16, California Code of Regulations, section 4402 to its new mailing address.

Title 16
California Code of Regulations
AMEND: 4402
Filed 05/20/2013
Agency Contact: Angela Bigelow (916) 574–7341

File# 2013–0423–01
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Options for Medicare Supplement Plans

The California Public Employees' Retirement System (CalPERS) filed this action to amend several sections of title 2 of the California Code of Regulations pertaining to supplemental plans for CalPERS Medicare–eligible employees and annuitants. The amendments are intended to provide the CalPERS Board of Administration (Board) more flexibility to offer Medicare supplemental health plans for the same or different carriers that provide basic coverage to CalPERS members. This will allow CalPERS Medicare–eligible retirees the ability to enroll in more diverse plan options that best meet their needs. Additionally, the amendments will enable the Board to consider opportunities to be part of a larger pool of enrollees, which would reduce administrative costs associated with maintaining a supplemental equivalent for each basic plan option.

Title 2
California Code of Regulations
AMEND: 599.500, 599.501, 599.502, 599.508
Filed 05/15/2013
Effective 07/01/2013
Agency Contact: Kristen Pleau (916)795–3781

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN December 26, 2012 TO May 22, 2013

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

Title 2

05/16/13 ADOPT: 59740
05/15/13 AMEND: 599.500, 599.501, 599.502, 599.508
04/16/13 AMEND: 23000
04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13, 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8, 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1, 58.2, 59.1, 59.3, 60.1, 60.3
03/29/13 REPEAL: 26100
03/26/13 ADOPT: 20202, 20203, 20208, 20212, 20217, 20220.5, 20249.5 AMEND: 20200, 20201, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20215, 20216, 20220, 20221, 20222, 20223, 20224, 20225, 20226, 20227, 20230, 20235, 20236, 20245, 20247, 20249, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259, 20260, 20261, 20262, 20265, 20266, 20267 REPEAL: 20237, 20238
03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1
03/20/13 AMEND: 1897
03/12/13 AMEND: 1859.2, 1859.77.3
03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95
02/21/13 AMEND: 599.506
02/14/13 ADOPT: 1896.71, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.83, 1896.84, 1896.88, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.72, 1896.73, 1896.74, 1896.75, 1896.80, 1896.90, 1896.99.100, 1896.99.120 REPEAL: 1896.63, 1896.64, 1896.85, 1896.98
01/31/13 AMEND: 649.28
01/09/13 ADOPT: 18756
01/08/13 AMEND: 18723, 18730
01/07/13 AMEND: 18545, 18703.4, 18940.2
01/07/13 AMEND: 18705.5
01/02/13 AMEND: 22500, 22501, 22502, 22503, 22505, 22506, 22508, 22509 REPEAL: 22504, 22507, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519
12/31/12 ADOPT: 1859.97 AMEND: 1859.2, 1859.90.2
12/28/12 AMEND: 18410, 18425, 18435, 18465.1, 18550 REPEAL: 18539
12/27/12 AMEND: 649.7
12/26/12 ADOPT: 7294.0, 7294.2 AMEND: 7293.5, 7293.6, 7293.7, 7293.8, 7293.9, 7294.0 (renumbered to 7294.1), 7294.1(renumbered to 7294.3), 7294.2 (renumbered to 7294.4)

Title 3

05/22/13 AMEND: 3434(b)
05/20/13 AMEND: 3434(b)
05/06/13 ADOPT: 1350 AMEND: 1354
04/16/13 AMEND: 3435(b)
04/04/13 AMEND: 3435(b)
04/02/13 AMEND: 3435(b)
02/28/13 AMEND: 3437(b)
02/27/13 AMEND: 3435(b)
02/25/13 ADOPT: 1180.24 AMEND: 1180.1, 1180.3.2, 1180.20 REPEAL: 1180.24

Title 4

05/22/13 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
05/16/13 AMEND: 10192, 10193, 10194, 10195, 10196, 10197, 10198
05/16/13 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
05/03/13 AMEND: 1843.2
05/02/13 AMEND: 1658
04/23/13 AMEND: 8035(e)
04/08/13 ADOPT: 8035.5
04/02/13 AMEND: 10032, 10033, 10034, 10035
03/21/13 AMEND: 10178, 10179, 10181, 10182, 10185, 10188
03/20/13 AMEND: 1462

03/19/13 AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337
03/12/13 AMEND: 5000, 5052
02/11/13 AMEND: 10325
02/11/13 AMEND: 8072
02/07/13 ADOPT: 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112
02/04/13 AMEND: 8070, 8071, 8072, 8078, 8078.2
01/28/13 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
01/24/13 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
01/08/13 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133

Title 5

05/14/13 ADOPT: 30737, 30738 AMEND: 30730, 30731, 30733, 30734, 30736
05/01/13 AMEND: 80054
04/03/13 ADOPT: 41906.6
03/13/13 AMEND: 20135, 20136, 20140 REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332
02/12/13 AMEND: 19816, 19816.1, 19839
02/11/13 AMEND: 40405.1, 40405.4, 40500, 40501, 40505, 40506, 40507, 40508
02/07/13 ADOPT: 40203
02/07/13 ADOPT: 42740
02/06/13 ADOPT: 9517.3
01/17/13 ADOPT: 80053.1 AMEND: 80024.6, 80053
01/14/13 ADOPT: 80048.3.2 AMEND: 80048.3.1
12/27/12 AMEND: 58108
12/27/12 AMEND: 55000, 55023, 55040, 55041, 55043, 58161, 58162, 58166 REPEAL: 55030

Title 8

05/08/13 AMEND: 5004(d)(2)
05/07/13 AMEND: 17000 Appendix
05/06/13 AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218, 5220, 8358, 8359
04/24/13 AMEND: 2940.8
04/15/13 AMEND: 354, 371.2, 373, 376.1, 386
03/29/13 AMEND: 9789.31, 9789.34, 9789.35, 9789.39
03/18/13 ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300
03/18/13 ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813
03/18/13 AMEND: 344, 344.1
03/14/13 AMEND: 3381
03/13/13 AMEND: 9789.23, 9789.24, 9789.25
02/28/13 AMEND: 4309
01/28/13 ADOPT: 4993.1 AMEND: 1610.3, 1616.3, 4885, 4999, 5001
01/24/13 AMEND: 3210, 3900
12/31/12 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12
12/31/12 ADOPT: 15209 AMEND: 15201, 15210, 15210.1, 15475, 15477, 15481, 15484, 15496, 15497
12/31/12 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795
12/31/12 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160
12/31/12 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12
12/27/12 ADOPT: 9789.25 AMEND: 9789.20, 9789.21, 9789.22
12/27/12 ADOPT: 9789.39 AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.36, 9789.37, 9789.38

12/27/12 AMEND: 9795.1, 9795.3

Title 9

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

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05/13/13 AMEND: 2632.19
03/29/13 REPEAL: 2690.65
03/29/13 REPEAL: 2690.5
03/29/13 REPEAL: 2690.6
03/29/13 REPEAL: 2690.4
03/29/13 ADOPT: 6426
03/29/13 ADOPT: 6446
03/13/13 AMEND: 2318.6, 2353.1, 2354
03/11/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
03/11/13 AMEND: 2318.6, 2353.1, 2354
03/04/13 AMEND: 2690, 2690.1, 2690.2
01/17/13 ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444
01/11/13 AMEND: 2498.4.9, 2498.5, 2498.6
12/31/12 AMEND: 2695.8(f), 2695.8(g)

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03/27/13 AMEND: 80.3

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05/07/13 ADOPT: 426.00
04/18/13 AMEND: 1956.8
03/07/13 AMEND: 125.12, 125.16, 126.00, 126.02, 127.00, 127.08
02/07/13 AMEND: 2193
01/28/13 ADOPT: 426.00
01/24/13 AMEND: 425.01
01/07/13 AMEND: 553.70
12/31/12 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.2, 1961.3, 1962.1, 1962.2, 1976

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04/25/13 ADOPT: 709, 709.1
04/12/13 AMEND: 1.74, 701
03/27/13 ADOPT: 132.1, 132.2, 132.3, 132.4, 132.5
03/25/13 AMEND: 27.80
03/25/13 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6
03/06/13 ADOPT: 1299.01, 1299.02, 1299.03, 1299.03(a), 1299.03(b)(1) and most of the document incorporated therein by reference, 1299.03(b)(2)(B), 1299.03(b)(2)(C), 1299.03(c), 1299.04, 1299.05 REPEAL: 1299
03/06/13 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
03/05/13 AMEND: 265, 365, 366, 478, 708.12, 708.16
02/27/13 AMEND: 670.7 (e) & (f)
02/25/13 AMEND: 670.5
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02/14/13 AMEND: 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, 28.58
01/31/13 AMEND: 1270, 1270.02, 1270.03, 1270.04, 1270.05, 1270.06, 1270.07, 1270.08, 1270.09
01/08/13 AMEND: 27.65, 28.30
12/27/12 ADOPT: 1.45, 5.91 AMEND: 1.77, 2.25, 2.30, 4.20, 5.00, 5.05, 5.10, 5.40, 5.60, 5.80, 5.81, 7.00, 7.50, 8.00, 27.85, 27.90, 27.91, 28.90, 28.95, 701

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03/11/13 AMEND: 3000, 3002, 3021, 3041, 3041.2, 3045.3, 3075.1, 3075.2, 3082, 3103, 3144, 3172.2, 3177, 3230, 3270, 3275, 3278, 3288, 3324, 3338, 3367, 3368, 3369, 3371.1, 3376, 3379, 3380, 3401.5, 3404, 3415 and CDC 345 (Rev. 5/95)
03/04/13 REPEAL: 3999.10
02/25/13 ADOPT: 3375.6 AMEND: 3000, 3375
02/25/13 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
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01/17/13 AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2
01/15/13 AMEND: 3999.14

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05/17/13 ADOPT: 3340.4 AMEND: 3340.1, 3340.43
05/08/13 AMEND: 1380.1
05/02/13 ADOPT: 3340.17.1, 3340.17.2, AMEND: 3340.1, 3340.16, 3340.16.4,

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04/16/13 AMEND: 1132
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04/10/13 ADOPT: 1149, 1150, 1151, 1152, 1153
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03/14/13 ADOPT: 1399.110, 1399.130, 1399.130.1, 1399.156.5 AMEND: 1399.131, 1399.150.3, 1399.151, 1399.155, 1399.156
03/13/13 AMEND: 1746
02/27/13 AMEND: 3340.29
02/27/13 AMEND: 1575
02/13/13 ADOPT: 4187 AMEND: 4184
02/07/13 AMEND: 1495.2
02/06/13 AMEND: 1735.1, 1735.2, 1735.3, 1751.2
01/22/13 AMEND: 1399.15
01/15/13 ADOPT: 1399.99.1, 1399.99.2, 1399.99.3, 1399.99.4
01/14/13 AMEND: 1566.1
01/10/13 AMEND: 1399.536
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04/25/13 AMEND: 94508, 94509
04/02/13 ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370
03/21/13 AMEND: 100303, 100403, 100603
03/11/13 ADOPT: 58884, 58886, 58887, 58888 AMEND: 50604, 54355, 58543
02/25/13 AMEND: 94010, 94011, 94016, 94150, 94168
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05/15/13 ADOPT: 66274.1, 66274.2, 66274.3, 66274.4, 66274.5, 66274.7, 66274.8
03/25/13 AMEND: 97232
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03/12/13 AMEND: 70055, 70217, 70263, 70275, 70405, 70483, 70485, 70579, 70619, 70706.1, 70707.8, 70747, 71053, 71215, 71245, 71547, 72003, 72013, 72035, 72037, 72057, 72059, 72075, 72083, 72085, 72087, 72089, 72097, 72105, 72107, 72329, 72329.1, 72351, 72361, 72465, 72467, 73009, 73023, 73031, 73057, 73059, 73073, 73075, 73081, 73083, 73085, 73087, 73103, 73109, 73319, 73411, 73483, 74011, 74013, 74023, 74405, 74615, 74617, 74623, 74631, 74633, 74635, 74641, 74643, 74645, 74647, 74653, 74657, 75002, 75006, 75011, 75012, 75015, 75016, 75018, 75020, 75054, 75081, 75301, 75305, 75307, 75341, 76003, 76013, 76043, 76049, 76051, 76089, 76109, 76111, 76117, 76119, 76121, 76123,

76130, 76131, 76141, 76149, 76151, 76800, 76808, 76809, 76825, 76832, 76894, 76896, 76916, 78033, 78037, 78057, 78067, 78071, 78077, 78081, 78083, 78089, 78091, 78097, 78103, 78347, 79001, 79023, 79070, 79073, 79215, 79311, 79347, 79501, 79519, 79523, 79539, 79541, 79543, 79551, 79559, 79563, 79565, 79573, 79803

02/19/13 ADOPT: 70438.2

02/11/13 ADOPT: 100144 AMEND: 100135, 100136, 100137, 100139, 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150, 100151, 100152, 100153, 100154, 100155, 100156, 100157, 100158, 100159, 100160, 100161, 100162, 100163, 100164, 100165, 100166, 100167, 100168, 100169, 100170, 100171, 100172, 100173, 100174, 100175

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01/09/13 AMEND: 70110, 70215, 70841, 71110, 71645, 72203, 72641, 73208, 73639, 74108, 74669, 76211, 76525, 76555, 76651, 76846, 76915, 78437 REPEAL: 70111, 70114, 71111, 73209, 74109

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