



California Regulatory Notice Register

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State Center Community College District
Alameda-Contra Costa Transit District

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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

AMENDMENT

MULTI-COUNTY: Bay Area Air Quality Management District
State Center Community College District
Alameda-Contra Costa Transit District

A written comment period has been established commencing on **October 10, 2008**, and closing on **November 24, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 24, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: North Coast Unified Air Quality Management District
Redwood Empire Schools' Insurance Group

A written comment period has been established commencing on **October 10, 2008**, and closing on **November 24, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 24, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT
OF INTEREST CODES

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

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES
TO AMEND REGULATION SECTION 1859.104.1,
TITLE 2, CALIFORNIA CODE OF
REGULATIONS, RELATING TO LEROY F.
GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section, 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 the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code. The proposal interprets and makes specific reference to Sections 17070.51 and 17077.40 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 and filed with the Secretary of State on October 8, 1999.

The SAB, at its June 25, 2008 meeting, amended SFP Regulation Section 1859.104.1, "Material Inaccuracy Penalties," for school districts submitting Project Information Worksheets to the Office of Public School Construction. The Worksheet is used to report current school construction costs to be analyzed by the SAB to determine annual adjustments to the SFP new construction grant amount. The proposed amendment makes the penalties inapplicable to Worksheet submittals which report "the best available information at the time of filing," thereby helping to protect school districts and facilitate the gathering of school construction cost data.

The proposed amendment to the SFP regulation section is as follows:

Existing Regulation Section 1859.104.1 sets forth administrative and monetary penalties which the SAB may impose against school districts which submit falsely certified information that allows them an advantage in the SFP funding process. The proposed amendment makes the penalties inapplicable to submittals of the Project Information Worksheet which report "the best available information at the time of filing."

IMPACT ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does 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 local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made 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.

- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- 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.
- There will be no costs to school districts 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.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The regulation only applies to school districts 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 November 24, 2008, at 5:00 p.m. The express terms of the proposed regulation 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:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation 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 regulation.

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 regulation 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 regulation 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.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

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

AVAILABILITY OF 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 regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The California Corporations Commissioner (Commissioner) proposes amendments to the following code sections in the California Code of Regulations, which are reasonably necessary to reflect changes in the names and function of certain national security exchanges, stock exchanges, markets and related entities. The Commissioner proposes to amend Sections 260.101.2, 260.103.4, 260.105.7, 260.105.17,

260.105.33, 260.105.34, 260.217, 260.230, 260.241.4, and 260.242; and to repeal Sections 260.105.37 and 260.204.11 of Title 10 of the California Code of Regulations.

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Karen Fong, Office of Legislation and Policy, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m., November 24, 2008. Written comments may also be sent to Karen Fong via electronic mail at regulations@corp.ca.gov or via fax at (916) 322-5875. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The Department licenses and regulates the offer and sale of securities under the Corporate Securities Law of 1968 (commencing with Corporations Code Section 25000). The proposed amendments to the California Code of Regulations are reasonably necessary to reflect changes in the names and function of certain national security exchanges, stock exchanges, markets and related regulatory entities.

Sections 260.101.2

The Securities and Exchange Commission recently approved NASDAQ National Market System registration to operate as a national securities exchange. NASDAQ renamed the NASDAQ National Market System as the NASDAQ Global Market. Prior to this, NASDAQ has been operating under the supervision and control of the interdealer quotation system of the National Association of Securities Dealers, Inc. The proposed amendment adds NASDAQ Global Market to the national securities exchange list and deletes the reference to the interdealer quotation system of the National Association of Securities Dealers, Inc.

The American Stock Exchange's "Emerging Company Marketplace" was closed on May 11, 1995. The proposed amendment adds The American Stock Exchange to the national securities exchange list and deletes reference to Emerging Company Marketplace.

In 2005, the Pacific Stock Exchange was acquired by Archipelago Holdings, which in turn was acquired by the New York Stock Exchange (NYSE) in 2006. The NYSE now operates the Pacific Exchange as NYSE Arca. The proposed amendment adds NYSE Arca to the national securities exchange list and deletes reference to the Pacific Stock Exchange.

Section 260.103.4

In 1997, the Securities and Exchange Commission approved the operation of the OTC Bulletin Board, an electronic quotation system for over-the-counter equity securities. Pink Sheets LLC also provides an electronic quotation service for over-the-counter equity and debt securities. The proposed amendment adds the electronic service operated by Pink Sheets LLC or the OTC Bulletin Board and deletes reference to the National Daily Quotation Service.

Section 260.105.7

In June of 2000, the National Quotations Bureau changed its name to Pink Sheets LLC. The proposed amendment deletes reference to the National Quotations Bureau and adds the Pink Sheets LLC, the OTC Bulletin Board, and the NASDAQ Stock Market LLC.

Section 260.105.17

On January 13, 2006, the Securities and Exchange Commission approved the application of NASDAQ to operate as a national securities exchange. NASDAQ renamed the NASDAQ National Market System as the NASDAQ Global Market and created a new segment within the NASDAQ Global Market called the "NASDAQ Global Select Market." (References to the NASDAQ Global Market include those securities listed on the NASDAQ Global Market and the NASDAQ Global Select Market.) Due to NASDAQ's change in status, it is no longer necessary to distinguish between national securities exchanges and NASDAQ. The proposed amendment adds NASDAQ Global Market to the certified national securities exchange list.

Sections 260.105.33 and 260.105.34

NASDAQ converted to a national securities exchange and it no longer operates under the supervision and control of the interdealer quotation system of the National Association of Securities Dealers, Inc. The proposed amendments delete the reference to the interdealer quotation system of the National Association of Securities Dealers, Inc.

Section 260.105.37

The exemption from registration for securities listed on the Chicago Board Options Exchange has expired. The exemption provided remains effective only for 36 months from the effective date of the regulation unless extended by order of the Commissioner of Corporations. Consequently, the effectiveness of such an exemption has lapsed and the regulation is no longer necessary. The proposed amendment repeals the regulation.

Section 260.204.11

The Pacific Stock Exchange no longer operates and therefore, the exemption granted to members of the Pacific Exchange, Inc. is not effective. The proposed amendment repeals the regulation.

Sections 260.217, 260.230, 260.241.4 and 260.242

On July 26, 2007, the New York Stock Exchange (NYSE), the National Association of Securities Dealers (NASD) and its subsidiary, the National Association of Securities Dealers Regulation, Inc. (NASDR) consolidated to form the Financial Industry Regulatory Authority (FINRA). The proposed amendments add Financial Industry Regulatory Authority and delete any reference to NASDR.

AUTHORITY

Sections 25101, 25105, 25204, 25217(a), 25231, 25241, 25610, and 25612.5, Corporations Code.

REFERENCE

Sections 1633.7 and 1798.18, Civil Code; and Sections 25101, 25103, 25105, 25110, 25130, 25204, 25210, 25217, 25230, 25231, 25241, 25242, 25531(a), 25608(w), 25610, 25612.3, and 25612.5, Corporations Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 10/08 – B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 10/08 – C. These documents are also available at the Department’s website www.corp.ca.gov. As required by the Administrative Procedure Act, the Office of Legislation and Policy maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Legislation and Policy, 1515 K Street, Suite 200, Sacramento, California 95814–4052.

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 contact person named in this notice or may be accessed on the website listed above.

CONSIDERATION OF ALTERNATIVES

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

FISCAL IMPACT

- Cost or savings to any state agency: None.
- Direct or indirect costs or savings in federal funding to the state: None.
- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs/savings imposed on local agencies: None.
- Costs to private persons or businesses directly affected: Insignificant or none.

DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not affect small businesses.
- Does not impose a mandate on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations will not affect small business. The amendments to the rules clarify and conform changes in the names and function of certain national security exchanges, stock exchanges, markets and related entities.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to Karen Fong at (916) 322–3553. The backup contact person is Tanya Bosch at (916) 322–3553. Inquiries regarding the substance of the proposed regulation may be directed to Salony Mehrok, Corporations Counsel, Department of Corporations, 1515 K Street, Suite 200, Sacramento, California 95814, (916) 322–3553.

TITLE 11. DEPARTMENT OF JUSTICE

**NOTICE OF INTENTION TO AMEND THE
CONFLICT OF INTEREST CODE
OF THE DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL**

NOTICE IS HEREBY GIVEN that the Department of Justice, Office of the Attorney General, (Department or Department of Justice) pursuant to the authority set forth in section 87306 of the Government Code, proposes amendments 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.

A written comment period has been established commencing on **October 10, 2008**, and closing on **December 1, 2008**. Written comments concerning the proposed amendments should be directed to the Department of Justice, Attention: Ted Prim, 1300 I Street, Sacramento, CA 94244-2550. For inquiries, please call (916) 324-5481. Any written comments relating to the proposed action must be received no later than, **December 1, 2008**, or at the conclusion of the public hearing, if requested, whichever comes later, in order for them to be considered by the Department before it amends its code.

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 5:00 p.m., **November 17, 2008**, by contacting the Contact Person set forth below. If a public hearing is requested, it will be held on **December 2, 2008**, at 10:00 a.m. at Department of Justice, Office of the Attorney General, 1300 I Street, Conference Room 1524, Sacramento, California.

BACKGROUND/OVERVIEW

The Political Reform Act (Gov. Code, § 81000 et seq.) requires each government agency to adopt a conflict of interest code, and agency personnel covered by the code to periodically file a financial disclosure statement known as a statement of economic interests. (See Gov. Code, §§ 87300 and 87302.) Among other things, an agency's conflict of interest code must enumerate employee positions with the agency that involve the making of or participation in the making of decisions that may foreseeably have a material financial effect on any economic interest of the employee and, for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income and gifts which are required to be dis-

closed on the statement of economic interests. (Gov. Code, § 87302.)

The Department proposes to amend its Conflict of Interest Code due to the creation of new employee positions and the reorganization of existing employee positions that involve the making or participation in the making of decision that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The Department has prepared an Initial Statement of Reasons as a written explanation of the reasons for the amendments. Copies of this Initial Statement of Reasons, the regulatory language of the proposed amendments, and other information upon which the proposed amendments are based may be obtained by contacting the Contact Person set forth below.

After completion of the written comment period and, if requested, the Department's public hearing, the Department's proposed Conflict of Interest Code will be submitted to the Department's Code Reviewing Body (i.e. the Fair Political Practices Commission) for its review.

REGULATORY ACTION

Pursuant to Government Code section 87306, the Department will amend its conflict-of-interest code due to changed circumstances, including the creation of new positions which must be designated pursuant to Government Code section 87302 and relevant changes in the duties assigned to existing positions. A full discussion of the amendments is contained in the Initial Statement of Reasons.

In summary, the proposed amendments are as follows:

- A. Changes that reflect the creation of new departmental programs or positions and the resulting new job classifications. This includes the following:
 - 1. The title "Senior Information Systems Analyst" (Spec.) was added to the Division of Administrative Support Positions.
- B. Changes that reflect the restructuring of existing departmental divisions, programs, or positions and the resulting modification of the Department's organizational structure. This includes the following:
 - 1. "Crime Prevention Specialists or Crime Prevention Program Supervisors who are regularly assigned tasks involving the development, review, or award of bids/contracts" were moved from the Executive Office and Program to the Division of Criminal Law;

2. The “Director of the Office of Native American Affairs” was moved from the Executive Office and Program to the Division of Criminal Law;
 3. The title Division of Administrative Services changed to the “Division of Administrative Support”;
 4. The title and subtitles of the “Division of Legal Support and Technology” are being eliminated and subsumed within the designation “Division of Administrative Support”;
 5. The Firearms Division and Division of Gambling Control became separate bureaus in the Division of Law Enforcement.
- C. Changes that are intended to provide more appropriate disclosure requirements for existing employee classifications so that such employees will disclose interests that foreseeably will have a material financial effect on various DOJ economic interests. This includes the following:
1. Senior Assistant Attorney Generals in the Executive Office and Programs;
 2. Auditor classifications assigned to the Office of Program Review and Audits, the Business and Tax Section in the Division of Civil Law, the Bureau of Medi-Cal Fraud and Elder Abuse in the Division of Criminal Law, the Registry of Charitable Trusts in the Division of Public Rights, the Corporate Fraud Section in the Division of Public Rights, the Consumer Law Section in the Division of Public Rights, the Bureau of Gambling Control in the Division of Law Enforcement or the Special Teams and Task Forces;
 3. The combination of titles of Deputy Attorneys General, Deputy Attorneys General III, IV and Supervising Deputy Attorney Generals into one line item for ease of reference as each of the positions is a form of Deputy Attorney General classification with a similar disclosure category;
 4. The title “Department of Justice Administrators I, II and III” was added to the Division of Law Enforcement and the Bureau of Gambling Control within the Division of Law Enforcement to include all classifications in this job description;
 5. The title “Staff Managers I, II and III” was added to the Division of Law Enforcement, the Bureau of Firearms in the Division of Law Enforcement and the Bureau of Gambling Control within the Division of Law Enforcement to include all classifications in this job description;
 6. The title “Special Agents, Special Agent Supervisors, Special Agents-in-Charge and Senior Special Agents-in-Charge” was combined into one line item for ease of reference in the Bureau of Firearms in the Division of Law Enforcement as each is a form of special agent classification with a disclosure category 17. Additionally, this title was added to Special Teams and Task Forces to more adequately reflect the various employee designations;
 7. The titles “Senior Management Auditors” and Investigative Auditors II, III, and IV were deleted from the Bureau of Gambling Control within the Division of Law Enforcement because the titles were duplicative.
- D. A change was made to the last sentence of the incorporation page and it now states that the agency will make the employee statements available for public inspection and reproduction. (Gov Code, § 81008.)
- In addition, the Department seeks to amend disclosure categories 8, 11 and 20. Disclosure category 8 is being amended to more closely reflect the statutory provision upon which it is based. Disclosure category 11 is being amended to make more specific delineations of what designated employees in this category should disclose. Disclosure category 20 is being eliminated because there were no employees in this category.

SCOPE

The Department may adopt the language noticed herein, or it may choose new language to implement its decisions, without further notice, so long as the change or modification concerning the issues identified above or related issues is nonsubstantial or solely grammatical in nature. The Department may also make other changes to the proposed amendments prior to their adoption so long as the text of any modified amendment is made available to the public at least 15 days before the Department adopts the amendments. A request for the modified text should be made to the Contact Person set forth below. The Department will accept written comments on the modified amendments, addressed to the Contact Person set forth below, for 15 days after the date on which the text of any modified amendments is made available.

The Department must determine that no alternative considered by the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons that the proposed action. The

Department has prepared a written explanation of the reasons for the proposed amendments (Initial Statement of Reasons) and has available the information on which the amendments are based. Copies of the proposed amendments, the Initial Statement of Reasons and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

FISCAL IMPACT

The Department 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.

CONTACT PERSON

All inquiries concerning the proposed amendments and any communications required by this notice should be directed to:

Ted Prim
Deputy Attorney General
Department of Justice
1300 I Street
Sacramento, CA 95814
(916) 324-5481

TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

NOTICE OF PROPOSED REGULATION ADOPTION

**California Code of Regulations
Title 17. — Public Health
Division 4 — California Institute For
Regenerative Medicine
Chapter 5**

Date: April 4, 2008

**Deadline for Submission of Written Comment:
November 24, 2008 — 5:00 p.m.**

Hearing Date: None scheduled.

**Subject Matter of Proposed Amendments:
Definition of “California Supplier”**

Sections Affected:

The proposed regulation adopts Title 17 of the California Code of Regulations, section 100502.

Authority: Article XXXV of the California Constitution and Health and Safety Code section 125290.40, subdivision (j).

Reference: Sections 125290.30 and 125290.40, Health and Safety Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The California Institute for Regenerative Medicine (“Institute” or “CIRM”) was established in early 2005 with the passage of Proposition 71 (the “Act”), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens’ Oversight Committee (“ICOC”) is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California’s leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The mission of the CIRM is to foster and promote stem cell research with the aim of improving human health. A secondary goal is to strengthen California’s biotechnology industry and create collateral economic benefits such as high-paying jobs and increased tax revenues.

Proposition 71 requires the ICOC to adopt standards to ensure that grantees purchase goods and services from “California suppliers” to the extent reasonably possible, in a good faith effort to achieve a goal of more than 50 percent of such purchases from California suppliers. In its entirety, section 125290.30, subdivision (i) of the Health and Safety Code, enacted by Proposition 71, states:

“(i) Preference for California Suppliers

“The ICOC shall establish standards to ensure that grantees purchase goods and services from California suppliers to the extent reasonably possible, in a good faith effort to achieve a goal of more than 50 percent of such purchases from California suppliers.”

The purpose of the proposed regulation is to define the term “California Suppliers” as it is used in section 125290.30 to give grantees and the public the means to assess compliance with that section. Where a company is headquartered in California or has a significant presence in the state and makes a significant contribution to the state’s economy, the proposed definition seeks to label such enterprises “California suppliers.” The definition attempts to address companies both small and large and focus on the potential for benefit to the state’s citizens by patronizing such enterprises. It should be noted, however, that failure to qualify under this (or any other) definition *does not* disqualify an enterprise from being a supplier of goods and services to CIRM grantees.

Technical, Theoretical or Empirical Studies, Reports or Documents:

None.

Submittal of Comments:

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on November 24, 2008. Comments regarding this proposed action may also be transmitted via e-mail to calsupplierreg@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person’s representative requests a public hearing, he or she must do so in writing no later than November 10, 2008.

Effect on Small Business:

CIRM has determined that the proposed regulatory action has no impact on small businesses. The regulations implement conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private nonprofit institutions, as well as large for-profit institutions. As such, the regulations are not expected to adversely impact small business as defined in Government Code section 11342.610.

Impact on Local Agencies or School Districts:

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

Costs or Savings to State Agencies:

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

Effect on Federal Funding to the State:

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory actions.

Effect on Housing Costs:

CIRM has made an initial determination that the proposed actions will have no effect on housing costs.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses:

CIRM has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses:

CIRM has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on the Creation, Elimination, or Expansion of Jobs:

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Consideration of Alternatives:

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

Availability of Statement of Reasons and Text of Proposed Regulations:

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

Availability of Changed or Modified Text:

After the close of the comment period, CIRM may make the regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

Agency Contact:

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; inquiries regarding the rulemaking file; and questions on the substance of the proposed regulatory action may be directed to:

C. Scott Tocher, Counsel to the Chair
California Institute for Regenerative Medicine
210 King Street
San Francisco, CA 94107
(415) 396-9100

These questions may also be addressed to:

Pat Becker, Senior Executive Assistant
California Institute for Regenerative Medicine
(415) 396-9100

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, www.cirm.ca.gov.

Availability of Final Statement of Reasons:

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above.

**TITLE 21. DEPARTMENT OF
TRANSPORTATION**

**AMENDED NOTICE OF PROPOSED
RULEMAKING**

The California Department of Transportation (Department) proposes to adopt changes to Title 21, California Code of Regulations — Grade Separation Projects with Section 190 Funding Source, after considering comments, objections and recommendations regarding the proposed action. This notice of proposed rulemaking has been amended to provide for a new comment and public hearing period.

PUBLIC HEARING

The Department held a public hearing on September 8, 2008. (2008, No. 30-Z, published July 25, 2008.) No comments were received at the hearing. The Department will hold another hearing to consider regulatory amendments to the Grade Separation Fund allocation requirements from 10:00 a.m. to 12:00 p.m. on **November 24, 2008**, at 1120 N Street, Room 1450, Sacramento, California. At the hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. For individuals with disability accommodation needs, such as sign language interpreters, note takers, reading assistance, or conversion of public hearing materials into Braille, large print or audio format, please contact: Alex Morales, ADA Coordinator at (916) 324-8764. TTY/TDD users may dial 7-1-1 for the California Relay Service. The range of assistive services available may be limited if requests are received less than 10-business days prior to a public hearing.

WRITTEN COMMENT PERIOD

The public may present written comments, relating to this matter, to the Department. To be considered by the Department, written submissions must be received no later than 5 p.m. on **November 24, 2008**, and addressed to the following:

Postal Mail — California Department of
Transportation
Division of Rail — Railroad
Crossing Safety Branch
Attn: Rulemaking Comments
P.O. Box 942874, MS 74
Sacramento, CA 94274-0001

Electronic Mail: Rail.Program@dot.ca.gov

Please be sure the Subject line of the e-mail references "Rulemaking Comments" and that the name and address of the person commenting is included in the e-mail.

Facsimile submissions are to be transmitted and received at the Department's Division of Rail, not later than 5 p.m. on November 24, 2008. The telephone number to FAX is (916) 653-4565.

Following the Public Hearing, the Department may adopt the regulatory language as originally proposed or with modification, if the text, as modified, is sufficiently related to the originally proposed text. If the text is modified, the full regulatory text with modifications

clearly indicated, will be made available to the public for written comment, at least 15 days before it is adopted.

AUTHORITY AND REFERENCE

Streets and Highways Code Division 3, Chapter 10, section 2455 authorizes the Department to adopt the proposed regulations, which would implement, interpret and make specific section 190 of the Streets and Highways Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to Title 21, Division 2, Chapter 13, Article 1, California Code of Regulations (CCR) Sections 1554 (d) and 1556.

Background: The Grade Separation Program is authorized by Section 190 of the Streets and Highways Code. This competitive grant program currently provides \$15 million each year to local agencies for the construction of grade separations projects. Project eligibility and priority rankings are determined by the California Public Utilities Commission (CPUC). The Department is responsible for administering funding allocations based on the CPUC priority list. Local agencies submit project applications to the CPUC. The CPUC develops a priority list of projects. Local agencies, whose projects are included on that priority list, may submit requests for funding allocations, to the Department.

The local agency must submit documentation in support of, and attest to, specific criteria having been met, in order to be eligible to receive an allocation of funds. The Department then enters into a funding agreement with the local agency for reimbursement of a percentage of the cost to construct the grade separation.

Proposed Amendments: Section 1554(d) currently requires the local agency to certify that “. . . all matters prerequisite to the awarding of the construction contract can be accomplished within one year after allocations of the funds. . . .” In order to harmonize the regulation with statutory amendment, the Proposed Amendment would change the requirement to “two years.”

Section 1556 — This regulatory action would amend this section, to conform with Streets and Highways Code Division 3, Chapter 10, section 2456, to include authority granting the California Transportation Commission (CTC) to “allocate up to \$15 million to a single project, in the current fiscal year, if that project is the highest ranking project on the priority list as established by the CPUC.” This amendment language and authority would not otherwise alter any of the other criteria or

conditions under this chapter. Local agencies that request and/or receive allocations in excess of \$5 million for a single project would still be ineligible to receive allocations for any other grade separation project, for a period of 10 years. The maximum cumulative allocation for any grade separation project would remain at \$20 million, over a period of not more than five years.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Fiscal Effect on Local Government: The Section 190 program infuses approximately \$15 million each fiscal year which benefits local governments. These changes made in order to reflect legislative amendments do not change the overall amount of funding directed to local government.

Mandate on local agencies and school districts: None.

Cost or Savings to any State agency: None.

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

Other nondiscretionary cost or savings imposed on local agencies: None.

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

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

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

Adoption of these regulations will not:

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

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations do not affect small businesses. The amended regulations would not change the total amount of funding directed to local governments and, by extension, local construction work.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must de-

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

The Department has no alternative to making changes required by amendments to authorizing statutes. The Department, however, invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquires concerning the proposed administrative action may be directed to:

Lauren Clauson
Department of Transportation
P.O. Box 942874, MS 74
Sacramento, CA 94274-0001
(916) 653-0243

The backup contact person for these inquiries is:

Geri Quintana
Department of Transportation
P.O. Box 942874, MS 74
Sacramento, CA 94274-0001
(916) 654-6077

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Lauren Clauson at the address shown above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Lauren Clauson at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as de-

scribed in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Lauren Clauson at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Lauren Clauson at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://www.dot.ca.gov/rail/dor/>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA Tracking No. 2080-2008-022-01

PROJECT: West Ridge Road-to-Trail Conversion Project

LOCATION: Prairie Creek Redwoods State Park, Humboldt County

NOTIFIER: John E. Harris, California Department of Parks and Recreation

BACKGROUND

The West Ridge Road-to-Trail Conversion Project (the Project) is located in Prairie Creek Redwoods State Park, Humboldt County. The purpose of the Project is to rehabilitate a 0.43-mile section of former logging road to a low-maintenance trail by mechanically narrowing the road surface, removing road embankment fill and removing a culvert-type stream crossing. Project construction includes the following activities: clearing

small trees and brush from the roadway, decompacting and removing fill portions of the old roadbed, removal of a 48-inch culvert and associated road fill from the Prairie Creek channel, re-contouring to match the pre-road topography, mulching, and transplanting or seeding of native plant species found in the area. The 0.61-mile section of road used to access the trail will be outsloped as the equipment (small bulldozer and excavator) leaves the Project area.

The portion of Prairie Creek where the culvert crossing is proposed is known to have populations of Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*), in addition to other salmonids. SONCC coho is listed as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. §1531 *et seq.*) and as a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & Game Code, §2050 *et seq.*). While the riffle/run reach of Prairie Creek that is located within the Project area is considered to be less than optimal coho juvenile rearing habitat compared to areas with deep pools downstream, it is likely to be occupied at any given time by some coho juveniles. In addition, the area downstream of the proposed culvert removal contains suitable coho spawning habitat. To accommodate temporary access for removal of the culvert and fill, Prairie Creek will be temporarily diverted around the project work site. Diversion/dewatering activities necessary to implement the Project will result in take of SONCC coho salmon if they are captured and relocated. Take of undetected individuals may also occur if juvenile coho are stranded during dewatering.

Redwood National and State Parks (RNSP), which includes Prairie Creek Redwoods State Park, consulted with the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS) under Section 7 of the ESA on the over-arching Trails and Backcountry Management Plan. On September 17, 2007, NMFS issued a Biological Opinion (Ref. No. 2006/07504) (BO) that describes the West Ridge road to trail conversion as the only portion of the Trails and Backcountry Management Plan where incidental take of SONCC coho salmon is likely to occur. The BO and incidental take statement (ITS) include terms and conditions developed to minimize impacts specifically to SONCC coho salmon and their habitat as situated in the Project area. On August 26, 2008, the Director of the Department of Fish and Game (DFG) received correspondence from John E. Harris, on behalf of Department of Parks and Recreation (DPR) and the RNSP partnership, requesting a determination pursuant to Section 2080.1 of the Fish and Game Code that the BO, including its ITS, is consistent with CESA.

DETERMINATION

DFG determined that the BO, including its ITS, is consistent with CESA because the mitigation measures therein meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing the incidental take of CESA-listed species. This determination is based on review of the portion of the Trails and Backcountry Management Plan pertaining to the West Ridge Road-to-Trail Conversion Project, since that is the only project component within the Trails and Backcountry Management Plan that necessitates authorization to incidentally take SONCC coho salmon. Specifically, DFG finds that take of SONCC coho salmon will be incidental to an otherwise lawful activity (in this case, removal of a culvert-type stream crossing in the process of road-to-trail conversion), the mitigation measures identified in the project description and required by the ITS will minimize and fully mitigate the impacts of the authorized take of SONCC coho salmon, and the Project will not jeopardize the continued existence of the species. The avoidance, minimization, and mitigation measures either noted in the BO as part of the proposed action description or required in the ITS include, but are not limited to, the following:

Coho Avoidance:

- Stream crossing excavation will be limited to the period of September 16 through October 13.
- The RNSP fisheries biologist will be consulted with regard to the timing of stream crossing removal to ensure the stream is not de-watered when spawning adult salmonids, eggs or alevin are present.

Coho Mortality Minimization:

- Fish capture and relocation will be performed by a qualified fisheries biologist who is familiar with identification and handling of all life stages of salmonids. All efforts will be made to neither exhaust nor kill salmonids during capture and relocation. Capture will be made with nets; if netting is unsuccessful, electroshocking will be employed following NMFS guidelines for electrofishing (NMFS 2000).
- All captured fish shall be held in water with temperatures no greater than instream temperatures. If cooling is used, temperature of the holding-water shall not be allowed to cool more than 9 degrees Fahrenheit (5 degrees Celsius) below instream temperatures. All captured fish shall be held in water with a dissolved oxygen level of 7 parts per million or greater. All captured

fish shall be allowed to recover from electroshocking and other capture gear before being returned to the stream.

- Activities within the 5-year floodplain will not begin until all temporary erosion controls are in place downslope of activities. Measures include, but are not limited to, silt fences and hay bales that are effectively keyed in to the ground. Erosion control structures will be maintained throughout construction, and possibly for some time after construction, if deemed necessary by an RNSP earth scientist. Newly disturbed soils will be compacted along the trail tread while other disturbed areas will be covered with local duff or small pieces of vegetation removed during construction. Trail drainages will be routed away from potentially unstable channels, fills, and hill slopes.

Reporting:

- RNSP/DPR staff will prepare restoration reports concerning the road-to-trail conversion work. These reports will include final fill volumes moved, pre- and post-photo monitoring of the crossing excavation, and estimates of the size and delivery of any voids or surface erosion found after the first two rainy seasons. These restoration reports will be provided to NMFS as annual reports.
- RNSP/DPR shall provide NMFS with a report on the fish relocation activities and any incidental take associated with the culvert crossing removal prior to December 1 of the year the stream crossing removal is completed. This report shall include: a) the names and qualifications of biologists who conducted capture and relocation activities; b) number of fish captured by species and age class; c) number of injuries and mortalities by age class and species; d) length of time fish are held; e) date, time, and location of fish release; f) the extent and duration of dewatering; and g) water and air temperatures at the beginning and end of the fish relocation effort.

Coho Take Mitigation:

- The net long-term habitat improvement resulting from Project implementation (stream crossing removal and conversion of former logging road to trail), in and of itself, will fully mitigate for potential SONCC coho salmon mortality and harm associated with the stream crossing removal. NMFS expects a small number of coho juveniles to be killed or injured through fish relocation and stream dewatering activities, and there is potential for harm or mortality of coho eggs and alevins in

downstream redds or rearing juveniles caused by storm-induced sediment mobilization after the crossing is removed. Project implementation will substantially reduce the potential for debris torrents and chronic sediment inputs from the former logging road; restore instream habitat currently buried by the culvert crossing fill; and improve the ability for juvenile fish to move through the stream reach currently occupied by the culvert.

Ensured Funding:

- As stated above, the improved stream condition that will result from implementation of the Project, in and of itself, provides the necessary full mitigation pursuant to CESA. As such, the financial assurances for full mitigation are inherent in the implementation funding for the Project.

Based on this consistency determination, DPR does not need to obtain authorization from DFG pursuant to CESA for take of SONCC coho salmon that occurs in carrying out the Project, provided DPR implements the Project as described in the BO and complies with the mitigation measures and other conditions described in the BO and the ITS. However, if the Project changes or NMFS amends or replaces the BO, DPR will need to obtain a new consistency determination (in accordance with Fish and Game Code Section 2080.1) or an incidental take permit (in accordance with Fish and Game Code Section 2081) from DFG.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT

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

**NOTICE TO INTERESTED PARTIES
October 10, 2008**

**NOVEMBER 5, 2008 MEETING OF THE
SCIENCE ADVISORY BOARD'S
CARCINOGEN IDENTIFICATION
COMMITTEE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment

(OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

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

A public meeting of this committee will be held on **Wednesday, November 5, 2008** at the Sacramento City Hall, City Council Chamber, 1000 I Street, Sacramento, California. The meeting will begin at 9:30 a.m. and will last until all business is conducted or until 4:00 p.m. If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or coshita@oehha.ca.gov by October 27, 2008. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is as follows. It should be noted that the order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair.

- I. WELCOME AND OPENING REMARKS**
- II. CONSIDERATION OF CHEMICALS AS KNOWN TO THE STATE TO CAUSE CANCER**
 - A. N,N-Dimethylformamide**
 - Staff presentation
 - Committee discussion
 - Public comments
 - Committee discussion and decision
 - B. 2,4,6-Trinitrotoluene**
 - Staff presentation
 - Committee discussion
 - Public comments
 - Committee discussion and decision
- III. UPDATE OF THE SECTION 27000 LIST OF CHEMICALS WHICH HAVE NOT BEEN ADEQUATELY TESTED AS REQUIRED**
- IV. STAFF UPDATES**
- V. SUMMARY OF COMMITTEE ACTIONS**

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

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

**NOTICE TO INTERESTED PARTIES
October 10, 2008**

**NOVEMBER 20, 2008 MEETING OF THE
SCIENCE ADVISORY BOARD'S
DEVELOPMENTAL AND REPRODUCTIVE
TOXICANT (DART)
IDENTIFICATION COMMITTEE**

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

The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause reproductive toxicity, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

A public meeting of this committee will be held on **Thursday, November 20, 2008** at the California Environmental Protection Agency Headquarters Building, *Sierra Hearing Room*, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 5:00 p.m. If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or coshita@oehha.ca.gov by November 10, 2008. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is as follows. It should be noted that the order of items on the agenda is

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

I. WELCOME AND OPENING REMARKS

II. CONSIDERATION OF CHEMICALS AS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

A. Hexavalent Chromium

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

B. Chlorpyrifos

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

III. PRIORITIZATION OF CHEMICALS FOR DEVELOPMENTAL AND REPRODUCTIVE TOXICANT IDENTIFICATION COMMITTEE REVIEW

A. Trihalomethanes

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and advice and consultation regarding possible development of hazard identification materials

B. Particulate Matter

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and advice and consultation regarding possible development of hazard identification materials

IV. UPDATE OF THE SECTION 27000 LIST OF CHEMICALS WHICH HAVE NOT BEEN ADEQUATELY TESTED AS REQUIRED

V. STAFF UPDATES

VI. SUMMARY OF COMMITTEE ACTIONS

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

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

DEPARTMENT OF CORRECTIONS AND REHABILITATION

STATE OF CALIFORNIA

OFFICE OF ADMINISTRATIVE LAW

**2008 OAL DETERMINATION NO. 28
(OAL FILE NO. CTU 2008-0506-01)**

REQUESTED BY: Rodney Koch
CONCERNING: California Department of Corrections and Rehabilitation's Administrative Bulletin No. 05-03 (Processing of Inmate/Parolee Appeals Alleging Staff Misconduct or Requiring an Internal Affairs Investigation)

DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the

challenged rule meets the definition of a “regulation” as defined in Government Code section 11342.600¹ and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of a regulation, but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.² OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

FACTUAL BACKGROUND

On May 6, 2008, Rodney Koch (Petitioner) submitted a petition to OAL challenging as an underground regulation Administrative Bulletin No. 05–03 (AB 05–03) relating to processing of inmate/parolee appeals, issued by the California Department of Corrections and Rehabilitation (Department)³ on November 22, 2005. AB 05–03 sets forth how appeals by inmates or parolees that allege any staff misconduct shall be processed.

The Department did not formally respond to Mr. Koch’s petition. However, during OAL’s initial review of this petition, they provided informal responses indicating that AB 05–03 was prepared and issued in conjunction with the Special Master and federal court oversight of parties to ongoing litigation in *Madrid v. Tilton*, and provided copies of a December 4, 2006 court order (*Madrid* order) and documents related to the *Madrid* order.⁴ The *Madrid* order and related documents have no bearing on this determination.

OAL received no public comments in response to this petition.

¹ Unless otherwise specified, all references are to the Government Code.

² As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

³ Formerly the California Department of Corrections, the Department was reorganized and renamed the California Department of Corrections and Rehabilitation pursuant to the Governor’s Reorganization Plan of 2005.

⁴ The Department referred specifically to the federal court order in *Madrid v. Tilton*, No. C90–3094 TEH (N.D.Cal., December 4, 2006) (ordering the Department to implement specific procedures for internal affairs investigations of inmate abuse and excessive force).

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency issues, utilizes, enforces, or attempts to enforce a rule that meets the definition of a “regulation” as defined in section 11342.600 and should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or attempted to enforce an underground regulation is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

CHALLENGED RULE

The petition alleges that AB 05–03 constitutes an underground regulation.

The express purpose of AB 05–03 is to announce changes in procedures for addressing “staff complaints” filed by inmates and parolees. Specifically, that:

All inmate complaints which allege *any* misconduct by a staff member will continue to be logged by the Appeals Coordinator (AC) as a Staff Complaint, Category 7. Procedures for processing staff complaint appeals shall be as follows. (AB 05–03, p. 1; emphasis added.)

AB 05–03 sets forth new procedures that require all complaints against staff to be assigned to specified Department officials for review to determine whether an Internal Affairs investigation is warranted. If an Internal Affairs investigation is warranted, the appeal is referred to the Department’s Office of Internal Affairs for investigation. If an Internal Affairs investigation is not warranted, the assigned reviewer is required to interview the inmate and any other pertinent staff, inmate, or parolee witnesses, and to complete a confidential report and a “first level review” response.

AB 05–03 includes the following requirements for inmate and parolee appeals that allege any staff misconduct:⁵

1. “If an appeal alleges staff misconduct involving excessive or inappropriate use of force, the allegation will be addressed pursuant to the procedures prescribed in the Use of Force Policy (including an immediate videotaped interview, if one has not already been completed).” (AB 05–03, p. 1.)
2. “If an appeal alleges staff misconduct and also includes issues such as property complaints, disciplinary actions, etc., the Appeals Coordinator will inform the inmate/parolee in writing that the appeal will be addressed as a Staff Complaint and that the other appeal issues must be appealed separately. Appeals alleging staff misconduct will be addressed separately and will not be combined with other appeal issues.” (*ibid.*; bold font omitted.)
3. “If an appeal alleging misconduct by a departmental Peace Officer is received without the Rights and Responsibilities Statement [as required by title 15, section 3084.1(e), the appeal] shall be processed [in accordance with AB 05–03] and the Rights and Responsibilities Statement shall be obtained from the inmate/parolee at the time of his/her appeal interview.” (*id.*, pp. 1–2.)
4. “The Hiring Authority, or designee, shall review all staff complaint allegations and determine if:
 - a. The allegation warrants a request for Internal Affairs investigation.
 . . .
 - b. The allegation does not warrant a request for Internal Affairs investigation. The Appeals Coordinator shall be instructed to assign the appeal for a First Level Response. . . .” (*id.*, p. 2; bold font omitted.)
5. “Appeals alleging staff misconduct that do not warrant an Internal Affairs investigation . . . will be handled in the following manner:
 - [A] Confidential Supplement to Appeal, Appeal Inquiry (Attachment C), will be completed by the reviewer in addition to the First Level Review Response to the inmate/parolee.
 - The assigned reviewer will read the allegation and interview the appellant. After interviewing the appellant, any other pertinent staff or inmate/parolee witnesses will be interviewed. . . .” (*id.*, pp. 2–3.)

⁵ This is not an exclusive list of the AB 05–03 requirements.

ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule meets the definition of a “regulation” in section 11342.600 and should have been adopted pursuant to the APA.

A regulation is defined in section 11342.600 as:

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

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, § 11342, subd. (g)).⁶

The first element of a regulation is whether the rule applies generally. *Tidewater* points out that a rule need not apply to all persons in the state of California and that it is sufficient if the rule applies to a clearly defined class of persons or situations. AB 05–03 establishes a comprehensive, statewide scheme for processing inmate and parolee appeals that allege any type of staff misconduct. Inmates and parolees must comply with the procedures in AB 05–03 or risk their appeal being unresolved. Department staff must take specific actions with each appeal. Inmates, parolees, and Department staff are clearly defined classes of persons. Therefore, the first *Tidewater* element is met.

The second *Tidewater* element is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure. As provided in the Penal Code section 5054, the Department has broad authority over prison operations and inmates:

[T]he supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are

⁶ Section 11342(g) was re-numbered to section 11342.600 in 2000 without substantive change.

vested in the Secretary of the Department of Corrections and Rehabilitation.

In addition, section 11180 authorizes the Department to “make investigations and prosecute actions concerning” the following:

- (a) All matters relating to the business activities and subjects under the jurisdiction of the department.
- (b) Violations of any law or rule or order of the department.
- (c) Such other matters as may be provided by law.

Accordingly, the Department is the state agency charged with the management of state prisons and the care and treatment of prison inmates and parolees,⁷ which includes processing of inmate and parolee complaints about misconduct or abuse by Department staff. Pursuant to this authority, the Department has existing adopted regulations that govern inmate and parolee appeals in title 15, California Code of Regulations, section 3084.1 et seq. These duly adopted regulations include the following:

- General inmate and parolee right for appealing grievances, including staff misconduct appeals (section 3084.1)
- Appeal preparation requirements (section 3084.2)
- Criteria for screening and rejecting appeals by an Appeals Coordinator (section 3084.3)
- Informal appeals, three levels of formal appeal review, interview requirements, and disposition of appeals (section 3084.5)
- Time limits for filing appeals (section 3084.6)
- Emergency appeals and exceptions to the regular appeals process (section 3084.7)
- Rights of inmates under the American With Disabilities Act (section 3085)

In addition to Penal Code section 5054 and Government Code section 11180, AB 05–03 further implements and makes specific the existing regulatory sections relating to appeals by requiring separate procedures for all staff misconduct appeals.

AB 05–03 sets forth a new comprehensive process for the Department’s handling of staff misconduct appeals that include:

- Interview requirements, including videotaped interviews where an appeal alleges any “excessive or inappropriate use of force”
- Requirement for Appeals Coordinators to separate appeals that allege any staff misconduct from any other issue alleged in the same appeal and to

inform the inmate or parolee to resubmit the non-staff misconduct issues in a separate appeal, even if the issues are related

- Authorization for inmates and parolees to submit the required title 15, section 3084.1(e) Rights and Responsibilities Statement after filing an appeal that alleges misconduct by a departmental Peace Officer
- Automatic placement of an appeal that alleges any staff misconduct to at least a “first level review”
- Requirement for preparing a confidential report after interviewing all required or pertinent witnesses for all staff misconduct appeals

AB 05–03 establishes a wholly new comprehensive process to be used whenever any allegation of staff misconduct is raised in an appeal. Accordingly, it implements, interprets or makes specific the Department’s management of state prisons and care and treatment of prison inmates, which includes processing of inmate complaints about misconduct or abuse by Department staff.

Accordingly, we conclude that AB 05–03 meets the second *Tidewater* element and, therefore, meets the definition of a regulation in section 11342.600.

The final issue to examine is whether AB 05–03 falls within an exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

The Department did not claim, nor could OAL find, any general or specific exemption that applies to AB 05–03.

CONCLUSION

In accordance with the above analysis, OAL determines that AB 05–03 meets the definition of a “regulation” as defined in section 11342.600, is not exempt from the APA and, therefore, is required to be adopted pursuant to the APA.

September 26, 2008

/s/
SUSAN LAPSLEY
Director

/s/
RICHARD L. SMITH
Staff Counsel

⁷ Parolees are “prisoner[s] under sentence and in the legal custody . . . of the Department [and] subject to [its] rules and regulations.” (*People v. Prochnau* (1967) 59 Cal.Rptr. 265, 269 [251 Cal.App.2d 22]; citations omitted.)

**Quarterly Index of Regulatory Actions
July 1, 2008 – September 30, 2008**

This Quarterly Index lists regulatory actions during the period indicated, sorted alphabetically by agency. The file types are: C = Certificate of Compliance, E = Emergency, EON = Emergency by Operational Necessity, F = Filed with SOS Only, FP = Filed and Printed Only, N = Non-regulatory, P = Print Only, R = Resubmittal, S = Regular Submittal.

AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Acupuncture Board	2008-0724-04	SR	Continuing Education	APPROVAL
Air Resources Board	2008-0808-01	SR	California Reformulated Gasoline Regulations 2007	APPROVAL
Air Resources Board	2008-0808-02	S	Indoor Air Cleaning Devices	APPROVAL
Air Resources Board	2008-0625-02	P	Conflict of Interest	APPROVAL
Air Resources Board	2008-0520-01	N	Section 100 — Ocean-Going Vessels within California Waters	APPROVAL
Air Resources Board	2008-0826-03	N	Section 100 – In-Use Off-Road Diesel Regulation	APPROVAL
Air Resources Board	2008-0624-01	S	Vapor Recovery Equipment Defects List	APPROVAL
Board of Accountancy	2008-0812-03	S	Experience, License Re-issuance, Active Status, Continuing Education	APPROVAL
Board of Chiropractic Examiners	2008-0618-02	S	Citations and Fines	APPROVAL
Board of Education	2008-0717-02	S	Instructional Materials – Social Content Review	WITHDRAWN
Board of Education	2008-0620-04	S	Child Nutrition Programs – Food and Beverage Requirements	APPROVAL
Board of Equalization	2008-0829-03	N	Vending Machine Operators	APPROVAL
Board of Equalization	2008-0829-04	N	Coins and Bullion	APPROVAL
Board of Equalization	2008-0627-02	N	Generator of Hazardous Waste	APPROVAL
Board of Equalization	2008-0702-01	N	Rules for Tax Appeals	APPROVAL
Board of Equalization	2008-0627-03	S	Petitions for Reallocation of Local Tax & Petitions for Distribution	APPROVAL
Board of Governors, California Community Colleges	2008-0805-01	P	Nondiscrimination in Programs Receiving State Financial Assistance	PRINT_ONLY
Board of Guide Dogs for the Blind	2008-0716-01	S	Address Change; Health Certificate; Physical Defects	APPROVAL
Board of Occupational Therapy	2008-0812-05	S	Advanced Practice	APPROVAL
Board of Occupational Therapy	2008-0708-02	S	Continuing Competency Requirements	APPROVAL
Board of Optometry	2008-0523-04	S	To establish licensing requirement equivalency	APPROVAL
Board of Parole Hearings	2008-0625-01	SR	Review of Proposed Decisions	APPROVAL
Board of Parole Hearings	2008-0724-02	S	Delays of Life Parole Consideration Hearings	APPROVAL
Board of Vocational Nursing and Psychiatric Technicians	2008-0820-08	S	Rehabilitation Criteria/Disciplinary Guidelines	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2008, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Bureau of Automotive Repair	2008-0710-02	S	CAP Vehicle Retirement Option Eligibility Revisions	APPROVAL
Bureau of Automotive Repair	2008-0710-03	N	Consumer Assistance Program Application Revisions (CAP/APP (02/08))	APPROVAL
Business, Transportation and Housing Agency	2008-0725-02	E	Farm Loans	APPROVAL
California Architects Board	2008-0613-02	S	Architectural Business Names & Association	APPROVAL
California Architects Board	2008-0619-03	S	Fees	APPROVAL
California Gambling Control Commission	2008-0626-03	N	Replace Division of Gambling Control with Bureau of Gambling Control	APPROVAL
California Highway Patrol	2008-0718-01	S	Fleet Owner Inspection and Maintenance Stations	APPROVAL
California Horse Racing Board	2008-0729-02	S	Classification of Drug Substances	APPROVAL
California Horse Racing Board	2008-0710-04	S	Claiming Option Entry	APPROVAL
California Horse Racing Board	2008-0819-01	S	Posterior Digital Neurectomy	APPROVAL
California Horse Racing Board	2008-0528-07	S	Occupational Licenses and Fees	APPROVAL
California Horse Racing Board	2008-0819-02	N	Classification of Drug Substances	APPROVAL
California Institute for Regenerative Medicine	2008-0530-03	SR	MES Standards – Record Keeping	APPROVAL
California Integrated Waste Management Board	2008-0728-01	C	At-Store Recycling Program Recordkeeping and Reporting	APPROVAL
California Pollution Control Financing Authority	2008-0530-01	C	California Capital Access Program for Small Bus.	APPROVAL
California Pollution Control Financing Authority	2008-0815-02	EE	CALReUse Program	APPROVAL
California State University	2008-0804-01	FP	Admission to Post-Baccalaureate Standing: Unclassified	FILE_PRINT_ONLY
California State University	2008-0904-01	FP	Admission to Post-Baccalaureate Standing: Unclassified	FILE_PRINT_ONLY
Corrections Standards Authority	2008-0625-03	EON	2007 Local Jail Construction Funding	APPROVAL
Department of Alcohol and Drug Programs	2008-0523-01	N	Change Without Regulatory Effect	APPROVAL
Department of Consumer Affairs	2008-0729-03	C	Application for Dental Licensure by Residency	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2008, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Department of Corrections and Rehabilitation	2008-0818-01	C	Inmate Housing Assignments	APPROVAL
Department of Corrections and Rehabilitation	2008-0626-01	SR	Inmate Mail	APPROVAL
Department of Corrections and Rehabilitation	2008-0711-02	SR	Inmate Discipline	APPROVAL
Department of Corrections and Rehabilitation	2008-0702-03	N	Reorganization of Division 3, Subchapter 6, Parole	APPROVAL
Department of Corrections and Rehabilitation	2008-0619-02	EON	Behavior Management Unit	APPROVAL
Department of Corrections and Rehabilitation	2008-0718-02	SR	Public Information, Community Relations and Media Access	APPROVAL
Department of Developmental Services	2008-0603-08	S	Respite Care Rate Increase	APPROVAL
Department of Developmental Services	2008-0826-01	N	Section 100 Amendment to Title 17	APPROVAL
Department of Fish and Game	2008-0815-04	E	Rec. Fishery Closure Fed. Groundfish & Assoc. Species N. of Pt. Arena	APPROVAL
Department of Food and Agriculture	2008-0807-02	E	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0807-01	E	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0804-02	E	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0825-02	E	Gypsy Moth Eradication Area	APPROVAL
Department of Food and Agriculture	2008-0919-01	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0729-01	E	Japanese Beetle Eradication Area	APPROVAL
Department of Food and Agriculture	2008-0527-02	C	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0730-02	C	Light Brown Apple Moth Eradication Area	APPROVAL
Department of Food and Agriculture	2008-0807-03	C	Light Brown Apple Moth Eradication Area	APPROVAL
Department of Food and Agriculture	2008-0710-01	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0722-01	E	Light Brown Apple Moth Interior Quarantine	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2008, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Department of Food and Agriculture	2008-0806-01	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0822-01	E	Oriental Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0603-03	C	Oak Mortality Disease Control	APPROVAL
Department of Food and Agriculture	2008-0603-04	C	Mediterranean Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0905-04	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0815-01	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0822-02	E	Light Brown Apple Moth Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0820-05	C	Light Brown Apple Moth Eradication Area	APPROVAL
Department of Food and Agriculture	2008-0714-02	E	Mexican Fruit Fly Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0619-04	S	Sanitation Standard Operating Procedures	APPROVAL
Department of Food and Agriculture	2008-0709-02	S	Citrus Assessments	WITHDRAWN
Department of Food and Agriculture	2008-0603-05	S	South American Spongeplant Eradication Area	APPROVAL
Department of Food and Agriculture	2008-0812-04	S	Contagious Equine Metritis	APPROVAL
Department of Food and Agriculture	2008-0702-04	S	Specifications for Hydrogen Used in Internal Combustion and Fuel Cells	APPROVAL
Department of Food and Agriculture	2008-0730-01	E	False Codling Moth Eradication	APPROVAL
Department of Food and Agriculture	2008-0722-02	E	Asian Citrus Psyllid Eradication Area	APPROVAL
Department of Food and Agriculture	2008-0825-01	E	Diaprepes Root Weevil Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0904-02	E	Asian Citrus Psyllid Interior Quarantine	APPROVAL
Department of Food and Agriculture	2008-0915-01	E	Asian Citrus Psyllid Interior Quarantine	APPROVAL
Department of Health Care Services	2008-0717-01	SR	Sign Language Interpreter Services	APPROVAL
Department of Housing and Community Development	2008-0630-01	E	Fire Resistive Construction Systems within Wildland Urban Interface	WITHDRAWN
Department of Housing and Community Development	2008-0820-01	ER	Ignition Resistance Construction System w/in Wildlife Urban Interface	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2008, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Department of Housing and Community Development	2008-0604-03	N	HCD Manufactured Housing Definitions	APPROVAL
Department of Insurance	2008-0620-03	N	California Low Cost Automobile Insurance Program	APPROVAL
Department of Insurance	2008-0611-03	N	CAARP Plan of Operations Sections 20, 25, and 44	APPROVAL
Department of Insurance	2008-0611-02	N	CAARP Manual of Rules and Rates, Rules 24 and 55	WITHDRAWN
Department of Insurance	2008-0611-01	N	Amend CAARP Plan of Operations Sections 28 and 46	APPROVAL
Department of Insurance	2008-0703-01	N	Repeal of 10 CCR 2191	APPROVAL
Department of Insurance	2008-0606-02	SR	Waiver of Penalty for Failure to Pay Tax by Electronic Funds Transfer	APPROVAL
Department of Insurance	2008-0605-02	C	California Low Cost Automobile Insurance Program	APPROVAL
Department of Insurance	2008-0611-04	N	Revise/Remove Form to Reflect Amendments to CIC Section 11580.9	APPROVAL
Department of Insurance	2008-0822-03	N	Electronic Funds Transfer Penalties	APPROVAL
Department of Justice	2008-0829-06	P	Surety Bond Form	PRINT_ONLY
Department of Justice	2008-0604-01	P	Bond Form	FILE_PRINT_ONLY
Department of Managed Health Care	2008-0801-01	S	Definition of Unfair Billing Patterns	APPROVAL
Department of Mental Health	2008-0623-01	S	Authorization for Out-of-Plan Services	APPROVAL
Department of Motor Vehicles	2008-0612-01	SR	Occupational Licensing and Disciplinary Guidelines	APPROVAL
Department of Parks and Recreation	2008-0602-01	SR	Recreational Trails Program	APPROVAL
Department of Parks and Recreation	2008-0812-01	S	Land and Water Conservation Fund	APPROVAL
Department of Pesticide Regulation	2008-0828-01	S	Field Fumigant Emission Limits	APPROVAL
Department of Pesticide Regulation	2008-0731-03	N	Respiratory Protection	APPROVAL
Department of Real Estate	2008-0703-04	C	Mortgage Loan Disclosure Regulations	APPROVAL
Department of Social Services	2008-0918-04	SR	Training of Child Welfare Workers and Juvenile Probation Workers	APPROVAL
Department of Social Services	2008-0820-07	S	Restaurant Meals for the Homeless, Elderly, and Disabled	APPROVAL
Department of Social Services	2008-0530-02	S	Family Connections for Foster Youth, Foster Care Provider Training	APPROVAL

CALIFORNIA REGULATORY NOTICE REGISTER 2008, VOLUME NO. 41-Z

AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Department of Toxic Substances Control	2008-0528-08	S	PBR for Treatment of Aqueous Wastes Containing Cyanides	APPROVAL
Department of Water Resources	2008-0731-02	E	Financial Assistance for Flood Management Projects	DISAPPROVAL
Division of Apprenticeship Standards	2008-0605-01	S	Electrician Certification	APPROVAL
Division of Workers Compensation	2008-0725-01	S	Ethical Rules for Workers' Compensation Judges	APPROVAL
Education Audit Appeals Panel	2008-0729-04	C	Audits of K-12 LEAs – FY 2008-09	APPROVAL
Emergency Medical Services Authority	2008-0702-02	S	Lay Rescuer Automated External Defibrillation	WITHDRAWN
Employment Development Department	2008-0814-01	S	Voluntary Plan Reporting	APPROVAL
Fair Political Practices Commission	2008-0616-01	FPPC	Reporting and Valuation of Gifts: Air Transportation	APPROVAL
Fair Political Practices Commission	2008-0818-03	FPPC	'No Value' Rule – Nonprofit/Campaign Fundraiser	APPROVAL
Fair Political Practices Commission	2008-0818-02	FPPC	Legal Defense Funds — Local Candidates and Officers	APPROVAL
Fish and Game Commission	2008-0724-01	S	Plants – Remove from Endangered and Rare Species Status	APPROVAL
Fish and Game Commission	2008-0522-05	S	Central Valley Salmon Sport Fishing	APPROVAL
Fish and Game Commission	2008-0709-01	S	Klamath River Sport Fishing	APPROVAL
Fish and Game Commission	2008-0721-01	SR	Halibut Trawl Grounds	APPROVAL
Fish and Game Commission	2008-0812-02	EE	Incidental Take of Longfin Smelt	APPROVAL
Fish and Game Commission	2008-0820-02	S	Waterfowl Hunting	APPROVAL
Fish and Game Commission	2008-0523-03	S	Commercial Fishing Permit Renewal Provisions	APPROVAL
Fish and Game Commission	2008-0714-01	S	Nuisance Canada Geese	APPROVAL
Fish and Game Commission	2008-0711-01	N	Annual Permit, Application & Tag Adjustments for Section 702	APPROVAL
Fish and Game Commission	2008-0820-03	S	Upland Game Bird Hunting	APPROVAL
Fish and Game Commission	2008-0522-06	S	Ocean Salmon Sport Fishing	APPROVAL
Managed Risk Medical Insurance Board	2008-0703-02	S	AIM Red. Rates Aft 1st Trim. Miscarriage & Clarification of Procedures	APPROVAL

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AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Managed Risk Medical Insurance Board	2008-0801-03	S	HFP Plan Benefits and Selection Conforming Regulations	APPROVAL
Managed Risk Medical Insurance Board	2008-0815-03	C	Community Provider Plan Designation Timeline & Process Modification	APPROVAL
Managed Risk Medical Insurance Board	2008-0528-09	C	AB 203 Deletion of HFP to Medi-Cal Bridge	APPROVAL
Managed Risk Medical Insurance Board	2008-0528-10	C	HFP Disenrollment/Waiting List	APPROVAL
Medical Board of California	2008-0523-05	S	Delegation of Services Agreement	APPROVAL
Medical Board of California	2008-0801-02	S	Disciplinary Guidelines	APPROVAL
Occupational Safety and Health Standards Board	2008-0620-08	S	Mobile Crane Load Safety Devices	APPROVAL
Occupational Safety and Health Standards Board	2008-0620-05	S	Construction Personnel Hoists (Car Top Operations)	APPROVAL
Occupational Safety and Health Standards Board	2008-0905-02	N	Airborne Contaminants	APPROVAL
Occupational Safety and Health Standards Board	2008-0825-04	S	Control of Employee Dust Exposure from Concrete and Masonry Operations	APPROVAL
Occupational Safety and Health Standards Board	2008-0718-03	S	Static Electricity	APPROVAL
Occupational Safety and Health Standards Board	2008-0620-06	S	Definition of Agricultural Tractor	APPROVAL
Occupational Safety and Health Standards Board	2008-0617-01	N	Replace Graphics	APPROVAL
Occupational Safety and Health Standards Board	2008-0724-03	N	Replace Graphics	APPROVAL
Occupational Safety and Health Standards Board	2008-0609-02	N	Low-Voltage Electrical Safety Orders	APPROVAL
Occupational Safety and Health Standards Board	2008-0721-03	N	Lead	APPROVAL
Occupational Safety and Health Standards Board	2008-0905-03	N	Emergency Medical Services	APPROVAL
Occupational Safety and Health Standards Board	2008-0620-07	S	Drinking Water In Construction	APPROVAL

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AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
Office of Environmental Health Hazard Assessment	2008-0805-03	N	Section 100 – Reorganize Section	APPROVAL
Office of Environmental Health Hazard Assessment	2008-0805-02	N	Move within Title 17	APPROVAL
Office of Environmental Health Hazard Assessment	2008-0722-03	S	Specific Regulatory Levels Posing No Significant Risk– Adoption of NSRL for C.I. Direct Blue 218	APPROVAL
Office of Spill Prevention and Response	2008-0610-01	C	Contingency Plans	WITHDRAWN
Office of Spill Prevention and Response	2008-0725-03	C	Contingency Plans	APPROVAL
Office of Spill Prevention and Response	2008-0610-02	S	Certificates of Financial Responsibility	WITHDRAWN
Office of Statewide Health Planning and Development	2008-0605-03	S	Principle Language Spoken and Present on Admission Data Elements	WITHDRAWN
Office of the State Fire Marshal	2008-0626-02	S	State Fire Training Program and Fees	APPROVAL
Office of the State Fire Marshal	2008-0820-09	S	Portable Fire Extinguisher Fees	APPROVAL
Office of the State Fire Marshal	2008-0820-10	N	Automatic Fire Extinguishing Systems	APPROVAL
Physical Therapy Board of California	2008-0710-05	S	Administrative Citations and Fines	DISAPPROVAL
San Francisco Bay Conservation and Development Commission	2008-0731-01	SR	Permit Application Form and Application Filing Requirements	APPROVAL
Secretary of State	2008-0703-03	S	Expedited and Special Handling Services; File Dates	APPROVAL
Speech–Language Pathology and Audiology Board	2008-0613-03	S	Clinical Experience/Supervisor Qualifications	APPROVAL
State Allocation Board	2008-0528-02	S	Leroy F. Greene School Facilities Act of 1998; Project Information worksheet	APPROVAL
State Allocation Board	2008-0708-01	S	Leroy F. Green School Facilities Act of 1998; Joint Use Program	APPROVAL
State Allocation Board	2008-0609-03	C	Leroy F. Greene Sch. Facilities Act of 1998; General Site Development	APPROVAL
State Lands Commission	2008-0618-01	SR	Marine Invasive Species Control Fund Fee	APPROVAL
State Mining and Geology Board	2008-0721-02	SR	Vested Rights Determination	APPROVAL

AGENCY	FILE NO.	FILE TYPE	SUBJECT	OAL DECISION
State Water Resources Control Board	2008-0805-04	S	Total Maximum Daily Load for Mercury in the Walker Creek Watershed	APPROVAL
State Water Resources Control Board	2008-0630-02	S	Los Angeles Region Basin Plan Amendment: TMDL for Salts in the Calleguas Creek Watershed	WITHDRAWN
State Water Resources Control Board	2008-0519-02	S	Basin Plan Amendment: TMDL for Trash in the Los Angeles River Watershed	APPROVAL
Structural Pest Control Board	2008-0606-01	S	Structural Integrated Pest Management	APPROVAL
Superintendent of Public Instruction	2008-0604-02	S	Child Care and Development Programs – Desired Results	APPROVAL

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# 2008-0829-03
BOARD OF EQUALIZATION
 Vending Machine Operators

Section 1574 deals with permit requirements for and tax reporting and payment by vending machine operators. This section includes a table for vending machine operators to use to calculate taxable gross receipts from sales of cold food products through vending machines based on a formula contained in the section. The percentages shown in the table vary with the total state, local, and district tax rate applicable to the location of the vending machine. This change without regulatory affect updates the information in the table to reflect more current tax rates.

Title 18
 California Code of Regulations
 AMEND: 1574
 Filed 09/24/2008
 Agency Contact: Rick Bennion (916) 445-2130

File# 2008-0829-04
BOARD OF EQUALIZATION
 Coins and Bullion

This change without regulatory effect increases the tax exemption for gross receipts from the sale in bulk of monetized bullion, nonmonetized gold or silver bullion, and numismatic coins that are substantially equivalent to transactions in securities, pursuant to the formula set forth in Revenue and Taxation Code 6355.

Title 18
 California Code of Regulations
 AMEND: 1599
 Filed 09/24/2008
 Agency Contact: Rick Bennion (916) 445-2130

File# 2008-0820-08
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
 Rehabilitation Criteria/Disciplinary Guidelines

This regulatory action updates the Board's criteria to evaluate the rehabilitation of a person when considering the denial, suspension or revocation of a license and ensure consistency with the Board's Disciplinary Guidelines which have been updated and are incorporated by reference.

Title 16
 California Code of Regulations
 AMEND: 2522, 2524, 2579, 2579.10 REPEAL: 2522.5, 2579.1
 Filed 09/29/2008
 Effective 10/29/2008
 Agency Contact: Michele Hedding (916) 263-7848

File# 2008-0819-02
CALIFORNIA HORSE RACING BOARD
 Classification of Drug Substances

This nonsubstantive file submitted by the California Horse Racing Board amends section 1843.2 of Title 4 of the California Code of Regulations. Specifically, the

spelling of the drug “stanazolol” was previously spelled incorrectly on the Penalty Categories Listing by Classification, which is incorporated by reference in section 1843.2. Due to this nonsubstantive correction, the revision date is changed from 05/08 to 08/08. The spelling correction is the only change being made to the Penalty Categories Listing by Classification and is a change without regulatory effect as it does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of section 1843.2.

Title 4
 California Code of Regulations
 AMEND: 1843.2
 Filed 09/29/2008
 Agency Contact: Harold Coburn (916) 263-6397

File# 2008-0826-01
 DEPARTMENT OF DEVELOPMENTAL SERVICES
 Section 100 Amendment to Title 17

This change without regulatory effect updates references to the Department of Health Services to reflect its division into the Department of Health Care Services and the Department of Public Health.

Title 17
 California Code of Regulations
 AMEND: 52082, 56103, 56104, 58670
 Filed 09/24/2008
 Agency Contact: Diana Nicolaou (916) 654-1760

File# 2008-0812-04
 DEPARTMENT OF FOOD AND AGRICULTURE
 Contagious Equine Metritis

This action repeals the regulation that has restricted the movement of horses infected with contagious equine metritis from other states and has specified permit requirements for movement of all horses from other states over two years of age, based upon the fact that the disease was eradicated in the United States in the late 1970s. It also updates the regulation with parallel restrictions on movement of horses from other countries to conform to current United States Department of Agriculture requirements for CEM testing.

Title 3
 California Code of Regulations
 AMEND: 810.1 REPEAL: 810
 Filed 09/24/2008
 Effective 10/24/2008
 Agency Contact: Thami Rodgers (916) 698-3276

File# 2008-0820-06
 DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Interior Quarantine

This is the certification of seven emergency regulatory actions designating parts of Alameda, Contra Costa, Marin, Monterey, San Benito, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano and Sonoma counties as additional “quarantine areas” with respect to the light brown apple moth (*Epiphyas postvittana*) [08-0318-03E, 08-0403-02E, 08-0416-01E, 08-0428-02E, 08-0505-03E, 08-0515-02E and 08-0528-03E].

Title 3
 California Code of Regulations
 AMEND: 3434(b)
 Filed 10/01/2008
 Effective 10/01/2008
 Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0918-04
 DEPARTMENT OF SOCIAL SERVICES
 Training of Child Welfare Workers and Juvenile Probation Workers

This is the resubmission of changes to the Manual of Policies and Procedures (“MPP”) that will update the requirements for training that child welfare workers and child welfare supervisors, juvenile probation officers and supervisors responsible for foster care placement must receive to properly perform their duties.

Title MPP
 California Code of Regulations
 ADOPT: 14-611, 14-915, 14-916 AMEND:
 14-610
 Filed 09/29/2008
 Effective 10/29/2008
 Agency Contact: Sandra Ortega (916) 657-3174

File# 2008-0814-01
 EMPLOYMENT DEVELOPMENT DEPARTMENT
 Voluntary Plan Reporting

The proposed action lengthens the period during which EDD will retain the security deposit for payment of claims against an employer’s self-insured voluntary short term disability insurance plan, amends the list of information that must be reported to EDD concerning claims submitted for disability or family temporary disability insurance benefits, extends the time limit for reporting claims information and the condition of the trust account maintained for making payments, and changes the reporting interval from quarterly to annually.

Title 22
 California Code of Regulations
 AMEND: 3258-1, 3267-1, 3267-2
 Filed 09/26/2008
 Effective 10/26/2008
 Agency Contact: Laura Colozzi (916) 654-7712

File# 2008-0825-03
**OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD**
 Outdoor Advertising Structures — Fall Protection

This action updates the standards for ladders and associated lifelines and scaffolds used to prevent workers from falling from an outdoor billboard.

Title 8
 California Code of Regulations
 AMEND: 3412, 3413, 3414, 3416
 Filed 10/01/2008
 Effective 10/31/2008
 Agency Contact: Marley Hart (916) 274-5721

File# 2008-0820-10
OFFICE OF THE STATE FIRE MARSHAL
 Automatic Fire Extinguishing Systems

This change without regulatory effect corrects an error in the March 21, 2006 version of Form AES 2 by substituting the June 17, 2008 version of that form.

Title 19
 California Code of Regulations
 AMEND: 906.3
 Filed 09/24/2008
 Agency Contact: Diane Arend (916) 324-9592

File# 2008-0820-09
OFFICE OF THE STATE FIRE MARSHAL
 Portable Fire Extinguisher Fees

This action establishes or increases various fees governing obtaining or renewing a Certificate of Registration for servicing and maintenance of portable fire extinguishers.

Title 19
 California Code of Regulations
 AMEND: 560
 Filed 09/24/2008
 Effective 10/01/2008
 Agency Contact: Diane Arend (916) 324-9592

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN APRIL 30, 2008 TO
 October 1, 2008**

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

- 09/04/08 ADOPT: 18530.45
- 09/04/08 AMEND: 18946.4
- 08/14/08 AMEND: 1859.2, 1859.121, 1859.122, 1859.127, 1859.129
- 08/08/08 ADOPT: 21905.5 AMEND: 21903, 21905
- 07/16/08 ADOPT: 18946.6
- 07/10/08 AMEND: 1859.76, 1859.83, 1859.104.3
- 07/10/08 AMEND: 1859.71
- 07/08/08 AMEND: 2271
- 06/26/08 AMEND: 554.2, 554.3
- 06/17/08 ADOPT: div. 8, ch. 112, sec. 59570
- 06/11/08 AMEND: 18360, 18361
- 06/11/08 ADOPT: 18421.7 AMEND: 18401
- 06/11/08 ADOPT: 18944.2 REPEAL: 18944.2
- 05/21/08 ADOPT: 59580
- 05/14/08 ADOPT: 18413
- 05/13/08 ADOPT: 59620
- 05/06/08 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
- 04/30/08 AMEND: 1859.2, 1859.61, 1859.81, 1859.82, 1859.83, 1859.202, 1866, Form SAB 50-04 (Rev. 01/08)

Title 3

- 10/01/08 AMEND: 3434(b)
- 09/24/08 AMEND: 810.1 REPEAL: 810
- 09/23/08 AMEND: 3591.20(a)
- 09/23/08 AMEND: 3434(b)
- 09/18/08 AMEND: 3591.20(a)
- 09/17/08 AMEND: 3435(b)
- 09/11/08 AMEND: 3591.20(a)
- 09/10/08 AMEND: 3434
- 09/05/08 ADOPT: 3435
- 09/03/08 AMEND: 6452.2
- 09/02/08 AMEND: 3433(b)
- 09/02/08 AMEND: 3591.6(a)
- 08/26/08 AMEND: 3434(b)
- 08/25/08 AMEND: 3423(b)
- 08/18/08 AMEND: 6738, 6739

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08/18/08	AMEND: 3434(b)	12220.20A, 12220.21, 12220.23, 12221,
08/13/08	AMEND: 3434(b)	12222, 12223, 12224, 12225, 12225.1,
08/12/08	AMEND: 3406(b)	12233, 12234, 12235, 12236, 12300,
08/11/08	AMEND: 3406(b)	12301, 12301.1, 12302, 12303, 12304,
08/01/08	AMEND: 3589(a)	12305, 12306, 12308, 12309, 12310,
08/01/08	ADOPT: 3591.22	12335, 12341, 12342, 12343, 12344,
07/28/08	AMEND: 3434(b)	12345, 12347, 12358, 12359, 12360,
07/25/08	AMEND: 902.9	12370, 12400, 12401, 12402, 12403,
07/24/08	ADOPT: 3591.21	12404, 12405, 12460, 12463, 12464,
07/22/08	AMEND: 3417(b)	12466, 12550, 12552, 12554, 12556,
07/16/08	AMEND: 3700	12558, 12560, 12562, 12564, 12566,
07/16/08	AMEND: 3406	12568, 12590
07/14/08	AMEND: 3963	08/04/08 AMEND: 1843.2
07/11/08	AMEND: 3434(b)	07/14/08 AMEND: 8070, 8072, 8073
07/09/08	AMEND: 3434(b)	07/10/08 AMEND: 1481, 1783, 1784
06/30/08	AMEND: 3589(a)	06/24/08 ADOPT: 12335, 12340, 12357 AMEND:
06/24/08	AMEND: 3963	12342, 12343, 12344, 12345, 12358,
06/24/08	AMEND: 3060.3	12359
06/23/08	AMEND: 3591.5(a)	05/23/08 ADOPT: 1843.3 AMEND: 1843.2
06/17/08	AMEND: 2751	05/01/08 AMEND: 1844
06/16/08	AMEND: 3434(b)	Title 5
06/11/08	AMEND: 3434(b)	09/10/08 AMEND: 41000
06/09/08	AMEND: 3700	09/09/08 ADOPT: 19828.3, 19837.2 AMEND:
06/04/08	AMEND: 3434(b)	19816, 19816.1, 19828.2, 19837.1,
05/23/08	AMEND: 3434(b)	19846
05/23/08	AMEND: 1438.7, 1438.17	08/11/08 AMEND: 41000
05/07/08	AMEND: 3434(b)	08/04/08 ADOPT: 15575, 15576, 15577, 15578
05/05/08	AMEND: 3406(b)	07/16/08 AMEND: 18272
05/02/08	AMEND: 3417(b)	06/24/08 AMEND: 80021
05/02/08	AMEND: 3434	06/19/08 AMEND: 4600(I)
04/30/08	AMEND: 3591.20	06/13/08 ADOPT: 55185, 57017 AMEND: 55180,
		57001.7, 58003.4, 58770, 58771, 58774
Title 4		06/10/08 AMEND: 30910, 30911, 30912, 30913,
09/29/08	AMEND: 1843.2	30914, 30916
09/02/08	AMEND: 1850	06/10/08 AMEND: 30920, 30921, 30922, 30923,
08/25/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3,	30924, 30925, 30927
	8102.4, 8102.5, 8102.6, 8102.7, 8102.8,	06/09/08 ADOPT: 19828.3, 19837.2 AMEND:
	8102.9, 8102.10, 8102.11, 8102.12,	19816, 19816.1, 19828.2, 19837.1,
	8102.13, 8102.14, 8102.15 AMEND:	19846
	8090, 8091, 8092, 8093, 8094, 8095,	05/28/08 ADOPT: 18085.5, 18086.1 AMEND:
	8096, 8097, 8098, 8099, 8100, 8101	18086, 18087, 18088, 18091, 18101,
08/21/08	ADOPT: 1634 AMEND: 1420	18102, 18104
08/12/08	ADOPT: 4180, 4181	05/21/08 ADOPT: 6105 AMEND: 6100, 6104
08/08/08	AMEND: 12002, 12100, 12101, 12120,	05/13/08 AMEND: 15440, 15441, 15442, 15443,
	12122, 12128, 12130, 12140, 12200,	15444, 15445, 15446, 15447, 15448,
	12200.3, 12200.7, 12200.9, 12200.10A,	15449, 15450, 15451, 15452, 15453,
	12200.10B, 12200.10C, 12200.11,	15454, 15455, 15456, 15457, 15458,
	12200.13, 12200.14, 12200.16,	15459, 15460, 15461, 15462, 15463,
	12200.17, 12200.18, 12200.20,	15464, 15467, 15468, 15469, 15471,
	12200.21, 12201, 12202, 12203,	15471.1, 15471.2, 15472, 15473, 15474,
	12203A, 12203.1, 12203.2, 12203.3,	15475, 15476, 15477, 15478, 15479,
	12203.5, 12204, 12205, 12205.1, 12218,	15479.5, 15480, 15481, 15483, 15484,
	12218.1, 12218.5, 12218.7, 12218.11,	15485, 15486, 15487, 15488, 15489,
	12220, 12220.3, 12220.13, 12220.14,	15490, 15493
	12220.16, 12220.18, 12220.20,	

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05/05/08 ADOPT: 11315.5 and 11315.6 AMEND:
11315
05/01/08 AMEND: 80440, 80443

Title 7

06/10/08 ADOPT: 236.1

Title 8

10/01/08 AMEND: 3412, 3413, 3414, 3416
09/23/08 AMEND: 5155
09/22/08 ADOPT: 1530.1
09/17/08 AMEND: 1512
08/26/08 AMEND: 5168, 6775
08/25/08 ADOPT: 9721.11, 9721.12, 9721.13,
9721.14, 9721.21, 9721.33 AMEND:
9720.1, 9720.2, 9721.1, 9721.2, 9721.31,
9721.32, 9722, 9722.1, 9722.2, 9723
08/08/08 AMEND: 1532.1
08/04/08 AMEND: 3649
08/04/08 AMEND: Appendix C following section
560, Appendices A, B, and C following
section 1938, and section 5001
07/30/08 AMEND: 1524
07/18/08 AMEND: 290.0, 290.1, 291.0, 291.1,
291.2, 291.5, 292.0, 294.0, 295.0, 296.0,
296.1, 296.2, 296.3, 296.4
07/18/08 AMEND: 2500.7
07/17/08 AMEND: 4885, 4924, 5004
07/17/08 AMEND: 1604.24, 1604.26
07/14/08 AMEND: Appendix B following 1541.1
06/30/08 ADOPT: 4300.1 AMEND: 4297, 4300
06/06/08 AMEND: 1710(k)(2)
05/19/08 AMEND: 1529, 5208, 8358
05/19/08 AMEND: 1710
05/19/08 AMEND: 797, 1604.10, 1601.21, 1662
05/05/08 ADOPT: 2340.2, 2340.5, 2340.8,
2340.10, 2340.12, 2340.14; Article 6,
Sections 2360.1 through 2360.5; Sections
2375.7, 2375.25, 2380.1, 2390.10,
2390.20, Article 12, Sections 2400.1,
2400.2; Sections 2418.2, 2418.3, 2418.4,
2418.5, 2418.6, 2420.4, 2420.5, 2420.6,
2420.7, 2473.1, 2473.2, 2480.5, 2480.9,
2484.5, 2484.6; Article 48.1, Sections
2485.1, 2485.2; Sections 2505.2, 2510.8,
2522.20, 2530.120, 2530.121; Article
58.1, Section 2535.1; Sections 2540.11,
2540.11 Figure S-1, 2560.3; Article 74.1,
Sections 2562.1 through 2562.7; Article
77.1, Sections 2566.1 through 2566.3;
Article 77.2, Sections 2567.1 through
2567.3; Sections 2569.5, 2571.9,
2571.30; Article 83, Sections 2583.1
through 2583.8; Article 84, Sections
2584.1 through 2584.8; Article 85,
Sections 2585.1 through 2585.3; Article

86, Sections 2586.1 through 2586.4;
Article 87, Sections 2587.1 through
2587.5; Article 88, Sections 2588.1
through 2588.3; Article 89, Sections
2589.1 and 2589.2. AMEND: 2300,
2305.2, 2305.4, 2340.9, 2340.11,
2340.13, 2340.16, Table 2340.16,
2340.17, 2340.18, 2340.21, 2340.22;
Article 5, Section 2350.2; Sections
2375.1, 2375.18, Table 2375.18, Sections
2375.19, 2390.1, 2390.24, 2390.41,
2390.81, 2395.3, 2395.5, 2395.6,
2395.23, 2395.25, 2395.32, 2395.42,
2395.44, 2395.45, 2395.57, 2395.58,
2405.1, 2405.2; Article 16, Sections
2420.3; Article 45; Sections 2480.6,
2480.7, 2484.24, 2500.7, 2500.8, 2500.9,
2500.10, 2500.11, 2500.23, 2505.10,
2505.11, 2510.4, 2510.5, 2510.6, 2510.7,
2510.56, 2510.58, 2522.2, 2530.4,
2530.102, 2530.103, 2530.104,
2530.107, 2530.112, 2533.1, 2534.6,
2534.8, 2540.1, 2540.2, 2540.3, 2540.4,
2560.2, 2561.1, 2561.3, 2561.31,
2561.32, 2563.23, 2563.33; Article 77,
Section 2565.3; Sections 2568.8,
2568.15, 2569.1, 2569.6, 2569.7,
2569.20, 2569.51; Article 80, Sections
2571.1 and 2571.16. REPEAL: 2340.23,
2350.11, 2390.83, 2395.7, 2395.33,
2395.43, 2395.50, 2480.8, 2522.8 and
2561.50.

Title 9

07/11/08 ADOPT: 1810.207.5, 1810.220.5
AMEND: 1830.220
07/02/08 AMEND: 9515(d), 10522(b)

Title 10

09/22/08 AMEND: 2699.6500, 2699.6803,
2699.6805
09/15/08 AMEND: 2699.6619, 2699.6700,
2699.6703, 2699.6705, 2699.6709,
2699.6711, 2699.6713, 2699.6715,
2699.6717, 2699.6721, 2699.6723,
2699.6725
09/11/08 AMEND: 2330.1
08/15/08 ADOPT: 2844 AMEND: 2840, 2842
08/14/08 AMEND: 2699.100, 2699.201,
2699.205, 2699.207, 2699.209, 2699.400
08/04/08 AMEND: 5000, 5110, 5111, 5112, 5113,
5114, 5116, 5117 REPEAL: 5119
07/30/08 AMEND: 2498.6
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