



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. HIGH-SPEED RAIL AUTHORITY

NOTICE IS HEREBY GIVEN that the California High-Speed Rail Authority (Authority), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

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

This amendment makes necessary and recommended updates to the Code to reflect the expansion of the Authority and makes other technical changes to reflect the current organizational structure of the Authority. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than **Monday, January 05, 2014**, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than **Monday, December 22, 2014**, by contacting the Contact Person set forth below.

The California High-Speed Rail Authority has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The California High-Speed Rail Authority has determined that the proposed amendments:

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

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Angie Reed
 California High-Speed Rail Authority
 770 L Street, Suite 620 MS 2
 Sacramento, CA 95814
 Main Phone: 916.324.1541
 Email: COICode@hsr.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY

AGENCY: Eastside Water District

AMENDMENT

MULTI-COUNTY

AGENCY: Central CA Alliance for Health (Santa Cruz Merced Managed Medical Care Commission)

A written comment period has been established commencing on November 21, 2014 and closing on **January 5, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 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 her review, unless any interested person or his/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.

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 **January 5, 2015**. 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 a

proposed code and approve it as revised, or return a 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 Ivy Branaman, 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 Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Personal Protective Equipment DPR Regulation No. 14-003

The Department of Pesticide Regulation (DPR) proposes to amend sections 6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771, 6793, and 6795; adopt sections 6738.1, 6738.2, 6738.3, and 6738.4; and repeal sections 6486.7 and 6736 of Title 3 California Code of Regulations. The pesticide regulatory program activities affected by the proposal are those pertaining to pesticide worker safety. In summary, the proposed action will clarify the personal protective equipment (PPE) requirements, reducing ambiguity, and reorganize the regulatory requirements in a more logical, cohesive format. Requirements for protective eyewear will be consistent with a nationally recognized consensus standard, and the hand protection requirements will be in alignment with U.S. Environmental Protection Agency (U.S. EPA) guidelines.

Note: In February 2014, U.S. EPA announced proposed changes to existing agricultural Worker Protec-

tion Standards (WPS) to strengthen the protections provided to agricultural workers and handlers under the worker protection standard by improving elements of the existing regulation, such as training, notification, communication materials, use of personal protective equipment, and decontamination supplies. DPR's proposed changes do not include any of U.S. EPA's proposed changes. DPR will address any additional changes through separate rulemaking.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on January 5, 2015. Comments regarding this proposed action may also be transmitted via e-mail to <dpr14003@cdpr.ca.gov> or by facsimile at 916-324-1491.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR's mission is to protect public health and the environment from adverse effects of pesticide use. The Food and Agricultural Code (FAC) requires that DPR adopt regulations that provide for safe working conditions for persons handling pesticides and working in and about pesticide-treated areas, including regulations on the subject of PPE and other protective devices.

DPR's current PPE regulatory requirements are designed to reduce the risk of pesticide poisonings and injuries among pesticide handlers and other agricultural workers exposed to pesticides. Over decades, requirements for pesticide safety training, notification of pesticide applications, use of personal protective equipment, restricted-entry intervals after pesticide application, decontamination supplies and emergency medical aid

were adopted. In 1997, DPR's regulations were amended to incorporate the federal WPS to ensure California maintains equivalency. In addition to the WPS-equivalent requirements, DPR put into place several regulatory requirements stricter than those in the federal WPS.

Since the regulations were developed over a period of time, DPR's current PPE regulation structure is somewhat piecemeal with sections that include general requirements; specific PPE requirements combined with exemptions; and exemptions only. DPR proposes to reorganize and update the regulatory structure to improve clarity. DPR recognizes that compliance and protection would be increased with improved clarity. Adoption of these regulations will provide a benefit to worker safety by reducing the risk of pesticide poisonings and injuries among pesticide handlers and other agricultural workers exposed to pesticides.

In addition, DPR proposes to amend protective eye-wear requirements specifying that the protective devices must comply with the American National Standard Institute (ANSI) for Occupational and Educational Personal Eye and Face Protection Device ANSI Z87.1-2010. Also, in the late 1990s, U.S. EPA adopted guidelines for chemical-resistant gloves when required to be worn by employees. DPR proposes to adopt these requirements to harmonize with U.S. EPA.

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. Although DPR and the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) have regulatory mandates to protect workers from health and safety hazards in workplaces, DPR enforces pesticide laws in workplaces where pesticides are used.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR 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. DPR has also determined that no nondiscretionary costs or savings to local agencies

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

or school districts are expected to result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

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

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR 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

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations should benefit worker safety by reducing the risk of pesticide poisonings and injuries among pesticide handlers and other agricultural workers exposed to pesticides. Implementation of the proposed regulations will not adversely affect the health and welfare of California residents or the environment.

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR 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 with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 12976, 12981, and 14005.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11501, 12973, 12980, 12981, 14001, and 14006.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR 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 DPR 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, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial 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. DPR 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 Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
 Department of Pesticide Regulation
 1001 I Street, P.O. Box 4015
 Sacramento, California 95812-4015
 916-445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

George Farnsworth,
 Chief Enforcement Branch
 916-445-4163

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Orders
 Sections 5184 and 5185

Storage Battery Systems and Changing and Charging Storage Batteries

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **January 15, 2015** in the Council Chambers of the **Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **November 21, 2014**, and closes at 5:00 p.m. on **January 15, 2015**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

- By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or
- By fax at (916) 274-5743; or
- By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Title 8, General Industry Safety Orders storage battery regulations have not been updated in over thirty years. Various battery technologies have been developed since then, which are not adequately addressed by current regulations. For example, large-format lead-acid designs are widely used for storage in backup power supplies in cell phone towers, high-availability settings like hospitals, and stand-alone power systems. For these roles, modified versions of the standard lead-acid cell may be used to improve storage times and reduce maintenance requirements. Gel-cells and absorbed glass-mat batteries are common in these roles, collectively known as VRLA (valve-regulated lead-acid) batteries and have proliferated throughout many California workplaces since the early 1980s.

Current regulations address the changing and charging of lead-acid storage batteries and their charging

areas. They do not address VRLA batteries (also commonly referred to as maintenance free batteries), lithium ion and other modern battery types, which are designed, constructed, utilized and handled differently than lead-acid batteries. The current proposal will create a new section 5184, Storage Battery Systems, to address stationary battery systems. Additionally, Section 5185, Changing and Charging of Storage Batteries is proposed to be amended to make the section more applicable to newer battery technologies, in addition to traditional lead-acid batteries.

Anticipated Benefits

The proposed regulation will increase worker health and safety protections by clarifying current requirements and codifying best practices identified in a representative advisory committee. The amendments will also benefit employers by reordering some of the requirements so that similar provisions are grouped together. Requirements that only apply to specific battery types and uses have been re-worded to allow the employer to determine if the regulation applies to his or her process. While addressing newer battery technologies, the proposed changes amend current requirements to more accurately reflect battery technologies and best practices currently in use.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

This proposal differs from existing federal standards in that it regulates stationary storage battery systems for which federal standards do not exist. Additionally, it modifies existing battery safety regulations to address modern battery technologies, which are not addressed by federal regulations.

The specific changes are as follows:

Section 5184. Hazardous Mixtures. (Repealed)

This section is not currently used. The proposed amendments will title the section, "Storage Battery Systems" and will apply to stationary storage battery systems used for standby power, emergency power, or uninterrupted power supplies. The section will also add two definitions, which are based upon the definitions found in Chapter 6 of the 2010 California Fire Code (CFC) for a battery system and a stationary storage battery. Battery systems covered under the proposed regulation will be required to contain approved equipment,

devices, and/or procedures to preclude, detect, and control failures. Employers will need to ensure that safety caps on batteries are maintained in proper working order. Storage battery systems covered in this section will also be required to meet the applicable requirements of Section 5185.

The proposed amendments will ensure that the regulated public has information to safely operate a stationary storage battery system. The definitions will aid the public in understanding the scope of the regulation.

Section 5185. Changing and Charging Storage Batteries.

Section 5185 currently contains information to protect employees from battery hazards like electrolyte exposure, flammable gases, and battery handling. It addresses training for emergency procedures, protecting charging areas from damage by mobile equipment, and precautions to be taken to prevent open flames, sparks, or electric arcs. It also has requirements for shower and eyewash facilities, and provides guidance on the use of jumper cables and vent caps.

A new subsection (a) is proposed to require that the changing and charging of batteries comply with applicable requirements found in Section 5184 Storage Battery Systems. Referring to Section 5184 will inform the public that there are additional battery safety regulations that may be applicable to their processes.

The current subsection (a) requires that battery charging occur in areas designated for that purpose. It also requires that employees working with storage batteries "be instructed in emergency procedures such as dealing with acid spills." The current subsection (a) will be redesignated as subsection (b) and is proposed to be modified to say that employees working with storage batteries be qualified employees. Adding the word "qualified" will ensure that employees are sufficiently trained and experienced with the specific type of battery with which they are working. The phrase "such as dealing with accidental acid spills" is proposed for deletion from the subsection because training for emergency procedures should cover all foreseeable emergencies and not just those related to spills. Removing the phrase will help employers consider other emergency situations upon which training may be required, instead of focusing on acid spills alone.

Subsection (b) currently requires that concentrations of flammable gas be kept below 20 percent of the lower explosive limit (LEL) and that harmful concentrations of electrolyte mist be prevented. Subsection (b) is proposed to be redesignated as (c) and to be reworded to state more clearly that batteries capable of venting flammable gas or electrolyte mist must be ventilated to prevent gas concentrations from exceeding 20% of the LEL of the gas, or mist concentrations from reaching

harmful levels. Wording will be added to clarify that the ventilation may be by natural or mechanical means. The newly proposed language informs the public that flammable gas and corrosive mist levels, where present, may be controlled by natural or mechanical ventilation. The subsection was reworded because not all batteries emit flammable gas or corrosive mist and therefore do not need ventilation controls.

Subsection (c) currently requires that “where corrosive liquids are regularly or frequently handled in open containers or drawn from reservoirs or pipelines, adequate means shall be provided to neutralize or dispose of spills and overflows promptly and safely.” The subsection is proposed to be redesignated to (d) and to have the following ambiguous words removed: “regularly,” “frequently,” “promptly,” “safely,” and “adequate.” Instead of only requiring clean-up materials for the listed processes, the proposed change will require that clean-up materials be present wherever the corrosive liquids from batteries are handled or can potentially be released. The changes to the subsection serve to clarify that spill clean-up materials are necessary wherever corrosive liquids are used, regardless of frequency.

Subsection (d) currently requires that a “carboy tilter, siphon, hand-operated bulb or hand-operated pump [be] provided and used for dispensing electrolyte or acid.” Subsection (d) is proposed to be redesignated as (e) and to be rewritten in a clearer form to address devices used for sampling or dispensing electrolyte. Instead of listing specific pieces of equipment to be used, the proposed change will apply to all equipment used to dispense or sample electrolyte and require that such equipment be specifically designed for the task.

To organize the section and group subsections pertaining to electrolyte safety, subsections (i), (m), and (n) are proposed to be redesignated as subsections (f)–(h), respectively, so that they are found closer to proposed subsection (e). The proposed change is editorial in nature and does not affect the intent of the regulation.

Current subsections (e) and (j) are proposed to be combined to form subsection (i) because both current subsections address mobile equipment. The proposed change is editorial in nature and does not affect the intent of the regulation.

Current subsection (f) states that “Appropriate mechanical lifting and material handling devices or equipment shall be provided for handling batteries.” The word “appropriate” is proposed to be removed from subsection (f) because it is vague. The proposed change will make the regulatory text clearer, but does not change the subsection’s intended meaning. The subsection will also be redesignated (j).

Current subsection (g), which prevents smoking in charging areas, will remain unchanged, except that it is proposed to be redesignated as (k).

Subsection (h) requires that precautions be taken to prevent ignition sources in battery charging areas. It also regulates storage racks, tools and other metallic objects, which could be placed on top of battery terminals, and requires that battery chargers be off when connecting or disconnecting leads. The subsection is proposed to be redesignated as (l) and to add “static discharge” and “short circuits” to the list of ignition sources to prevent. Minor rewording of the first sentence is also proposed to inform the public more clearly that the precautions must be taken in areas where batteries are charged, regardless of whether the charging occurs in a designated charging area or not. Adding “static discharge” and “short circuits” to the list of ignition sources will aid the public in more fully preventing injuries from fires and explosions in battery charging areas.

Current subsection (k) requires that vent caps be in place and properly functioning during charging, and that any battery covers be open to allow heat to dissipate. Subsection (k) is proposed to be redesignated to (m) and amended to clarify that only batteries with vent caps need to have the vent caps in place. The sentence requiring that “care [be] taken to assure that vent caps are functioning” is proposed for deletion because newly proposed Section 5184(e) requires that all safety caps be maintained in proper working order. The proposed change will make the standard easier to understand and aid in compliance.

Current subsection (l) requires that facilities for washing the eyes or body be provided near storage battery areas. The subsection is proposed to be redesignated (n) and amended to state that the shower or eyewash must be utilized in accordance with Section 5162 Emergency Eyewash and Shower Equipment. The added language will refer the public to Section 5162, providing guidance on the necessity, use, and installation of an emergency shower or eyewash. The exception to the redesignated subsection (n) will be amended to clarify that it only applies to (n).

An amendment is proposed to subsection (p) to clarify that the exception therein applies to (p).

A new subsection (q) is proposed to require personal protective equipment (PPE) in accordance with Section 3380 Personal Protective Devices. Adding subsection (q) will alert the public that PPE may be required when working with storage batteries, and direct them to the appropriate section for further information.

The proposed amendments will provide guidance to the public to safely work with the newer storage batteries and storage battery systems.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on Local Agencies and School Districts:

None.

Cost or Savings to State Agencies: The Board does not expect any net fiscal impact on State Agencies. In order to protect equipment and key business functions, government agencies may utilize backup, emergency, and uninterrupted power supplies. Such equipment comes with instructions for maintenance and operation and, when followed, allows the equipment to be operated safely and for its expected lifetime. An agency's best interests are served by properly using and maintaining the equipment; therefore, the Board expects that government agencies have procedures in place that already meet the requirements proposed by this regulation. The costs resulting from the regulation, if any, would be minimal.

Other proposed changes serve to resolve ambiguities found in current regulations. For instance, instead of requiring that all battery charging installations be ventilated to control explosive atmospheres and harmful mists, the regulation is proposed to be rewritten to make it clear that this regulation only applies to charging installations where such hazards exist. Clarifying such a requirement can save time and money by eliminating confusion about unnecessary safety controls. The savings resulting from the regulation, if any, would be minimal.

Cost to any Local Government 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 Board is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. A business could be impacted as explained below.

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals Including the Ability of California Businesses To Compete:

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including

the ability of California businesses to compete with businesses in other states. The proposal adopts requirements from the CFC and best practices based upon input from stakeholders at an advisory committee meeting. Battery systems used for emergency and backup power are typically supplied by the manufacturer with the necessary procedures and safeguards in place to detect, control, and prevent failures. As long as employers follow manufacturer instructions for maintaining and operating the equipment, the Board expects that they will be in compliance with the proposed regulation. No business in the state is expected to have to purchase additional equipment to comply with this standard.

Larger companies that operate customized emergency and backup battery systems are likely to have procedures in place equal to or more protective than the requirements of this standard because it is in their interest to protect their capital investment as well as their employees.

Economic assumptions in this report are based upon 2012 Census data¹ which report that there are approximately 865,000 non-farm businesses in California. The Board estimates that about 5% of the non-farm businesses in California rely on battery power other than portable batteries (AAA, AA, C, D, 9-volt, etc.), or about 43,000 businesses.

Most businesses are expected to already have procedures in place that comply with the requirements of this standard in order to avoid the costs of unexpected power loss. Measures which protect equipment and battery systems are also useful in protecting employees from fires and explosions. The Board estimates that less than 10% of 43,000 businesses, or fewer than 4,300 businesses, could be required to seek help from a safety consultant to ensure that they are in compliance with the proposed regulation.

Using the median hourly rate² for a safety consultant working in the Pacific (AK, HI, WA, OR, CA) of \$140, a 2-hour consultation to evaluate a facility's battery safety program could cost a business about \$280. The consultant would evaluate the effectiveness of the employer's program to address battery hazards and ensure that the equipment is being maintained according to manufacturer recommendations. Fire, electrical, and general safety of employees, whether related to battery systems or not, are already required by other regulations. The Board expects that only a small minority of California businesses would need to hire a safety consultant specifically for the purpose of complying with

¹ 2012 Census Data, <http://quickfacts.census.gov/qfd/states/06000.html>, accessed on September 19, 2014.

² IEEE-USA Consultants Fee Survey Report, 2011 Edition. Page 23. Available here: <http://www.gmsystems.com/uploads/3/1/4/3/3143302/consultantfeesurvey2011.pdf>.

the proposed regulation and that the economic impact would be insignificant overall.

Significant Affect on Housing Costs: None.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposal may affect small businesses; however, no significant economic impact is anticipated. Section 5184 is based on the 2010 California Fire Code (CFC) and updates Title 8 regulatory text with applicable requirements. The proposed text codifies current practices and requirements from the CFC. Additionally, emergency and backup power supply equipment purchased from a manufacturer already has the necessary safeguards present. Following the manufacturer's instructions for use and maintenance of the equipment will not only ensure safety, but also extend the useful life of the product.

The amendments proposed in Section 5185 reword and clarify existing regulations, but do not create additional requirements for small businesses. By clarifying the requirements of 5185, small businesses are likely to be less burdened than what current regulations impose.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any effect on the (1) creation or elimination of California jobs or the (2) creation of new businesses or elimination of existing California businesses or (3) affect the expansion of existing California businesses, because the amendments update Title 8 regulations to reflect requirements taken from the 2010 CFC and best practices, currently observed by a majority of employers.

BENEFITS OF THE PROPOSED ACTION

The proposed regulations are based on the California Fire Code and best practices developed by a representative advisory committee. The regulated public will benefit from the proposed action by having easy access

to information applicable to the safe operation of their backup and emergency power supply systems in a single location. Additionally, the language of existing regulations has been rewritten to be clearer and easier for compliance. For instance, instead of requiring that all battery charging installations be ventilated to control explosive atmospheres and harmful mists, the regulation is proposed to be rewritten to make it clear that this regulation only applies to charging installations where such hazards exist. Clarifying such a requirement can save time and money by eliminating unnecessary safety controls.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

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

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) or Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board 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, the initial statement of reasons and supporting documents. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 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 Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 15. PRISON INDUSTRY
AUTHORITY**

NOTICE IS HEREBY GIVEN that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific Penal Code Sections 2801 and 2808, propose to amend Sections 8004, 8004.2, 8004.3 and 8004.4 and adopt new section 8005 of Article 3, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Recruitment and Hiring Processes.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed change to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than December 22, 2014.

PUBLIC COMMENT PERIOD

The public comment period will close, **January 5, 2015 at 5:00 p.m.** Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before the close of the comment period. Use one of the following to submit:

MAIL or HAND DELIVERED

CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

FAX (916) 358-2709

E-MAIL CALPIAregs@calpia.ca.gov

CONTACT PERSON

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

Dawn Eger, Legal Analyst
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711

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

Della Fujiwara, Executive Assistant
California Prison Industry Authority
560 East Natoma Street, CA 95630
Telephone (916) 358-1711

AUTHORITY AND REFERENCE

The California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2801 and 2808 in order to implement, interpret and make specific Penal Code Sections 2702, 2801, 2805, and 2808 propose to amend Sections 8004, 8004.2, 8004.3 and 8004.4 and adopt new section 8005 of Article 3, Chapter 1, of the California Code of Regulations (CCR), Title 15, Division 8, concerning CALPIA Inmate Recruitment and Hiring Processes.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW

This action is necessary to provide more detail to the current eligibility requirements used to assess inmates that are applying for the CALPIA program. This action will also add clarity to the current regulations that eliminate inmates from the CALPIA program. Due to the nature of the prison system, CALPIA is challenged with recruiting and assessing inmates who qualify to work in enterprises that have dangerous machinery and hazardous work environments. It is important and necessary to regulate the recruiting process to seek the most qualified inmates who understand and are capable of performing their jobs to the safest and best of their ability. Continuous operations of CALPIA enterprises are critical because CDCR relies on the products and services for incarcerated inmates. Hundreds of other goods produced by CALPIA are relied upon by other state agencies such as DMV (license plates), CALFIRE (protective clothing for firefighters), and Caltrans (road safety products for workers and the public), etc. Qualified, drug-free, cautious, competent inmates must be selected to support CALPIA's continuous productions and services that prisons, state agencies and Californians rely upon. This action is also necessary to create part-time jobs that can accommodate inmates while they participate in substance abuse programs to rehabilitate. These proposed regulations support CALPIA's mission to reduce recidivism and keep our workplaces safe for all inmates and staff. It also increases public safety and prison safety, and creates a positive impact to public health.

The proposed amendments will be vetted through the public process of the PIB, as required in PC 2808(h) and (i), and now are being promulgated through the regulatory process as specified in the APA. The PIB will vote on these proposed regulations at their Board Meeting on December 18, 2014. Upon approval, the PIB's Record of Vote and a portion of the transcript of the minutes will be placed in the final rulemaking file. These documents will be filed with the Office of Administrative Law (OAL).

PC Sections 2801 and 2808 provide CALPIA with implied rulemaking authority. PC Section 2801 establishes that CALPIA shall create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to assure prisoners employed therein the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills. PC Section 2808(h) establishes the PIB's duties to provide as much employment for inmates as is feasible, and to pro-

vide diversified work activities to minimize the impact on existing private industry in the state.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

During the process of developing these regulations and amendments, CALPIA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

As a result of the economic impact assessment and in accordance with Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation:

Creation or Elimination of Jobs within the State of California

The proposed regulations will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because the jobs are not affected by the internal management of prison inmates. The benefits of new, proposed regulations will provide clear and concise personnel rules that will only affect prison inmates.

Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California

The proposed regulations will not have an effect on the creation, expansion, or elimination, of small or large businesses within California. It is determined that this action has no significant adverse economic impact on small or large businesses within the State of California because businesses are not affected by the internal management of prison inmates. The benefits of new, proposed regulations will provide clear and concise rules that will only affect prison inmates.

Benefits of the Regulations

This action will insure the most qualified and competent inmate are selected and remain in the CALPIA work program. This action supports CALPIA's mission to provide productive work and skill development opportunities to inmates which reduces recidivism, increases public/prison safety, and supports the critical, continuous operations of CALPIA.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of prison inmates.

ALTERNATIVES DETERMINATION STATEMENT

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

Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

In the event CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting the CALPIA website <http://www.calpia.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the CALPIA's contact person or by visiting the CALPIA website <http://www.calpia.ca.gov>.

TITLE 21. DEPARTMENT OF GENERAL SERVICES, DIVISION OF THE STATE ARCHITECT

**SUBCHAPTER 2.5 VOLUNTARY CERTIFIED ACCESS SPECIALIST PROGRAM
AMEND ALL SECTIONS
ADD NEW ARTICLES 6 AND 7
ADD SECTIONS 161, 162, 163, 164, 165 AND 171**

NOTICE IS HEREBY GIVEN that the Division of the State Architect (DSA) proposes to adopt and amend the above-referenced regulation sections contained in Title 21, California Code of Regulations (CCR).

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action to DSA in writing no later than January 5, 2015 until 5 p.m. DSA will consider only comments received at DSA by that time. Submit comments to:

Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95811
Attention: Amber Siepmann

Written comments may also be faxed to (916) 445-7658 or emailed to: ida.clair@dgs.ca.gov or amber.siepmann@dgs.ca.gov.

No public hearing is scheduled. Pursuant to GC §11346.8, should there be a request that a public hearing be held, such request must be made to DSA no later than 15 days prior to the close of the written comment period by any interested person or his or her duly authorized representative.

AUTHORITY AND REFERENCE

Government Code (GC) Section 4459.5 authorizes the State Architect to adopt the proposed regulation, which would implement, interpret, or make specific Section 4459.5 through 4459.8 of the Government Code. In addition the provisions of Sections 55.51-55.545 of the Civil Code as it relates to CASp services are being implemented into the CASp Regulations; and the provisions of Sections 31, 480, 481, 493, 494.5, and 498 of the Business and Professions Code and 17520 of the Family Code as it relates to certification programs are being implemented into the CASp Regulations.

POLICY STATEMENT OVERVIEW

The federal Americans with Disabilities Act (ADA) of 1990 and the California Building Standards Code (CCR Title 24) require that specified buildings, structures, and facilities be accessible to, and usable by persons with disabilities. GC Section 4450 requires the State Architect to develop and submit proposed building standards to the California Building Standards Commission for approval and adoption for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

In order to assist the public in determining compliance to the applicable standards for accessibility, the State Architect established and publicizes a program for voluntary certification by the State of any person who meets specified criteria as a CASp. The State Architect determined minimum criteria a person must meet for certification. The objectives of the amendments to the regulations further clarify the requirements for examination, certification, and disciplinary requirements, and establish professional standards for the administration of CASp services to protect public health, safety, and welfare.

INFORMATIVE DIGEST

Government Code Section 4459.5 authorized the State Architect to establish and publicize a program for voluntary certification by the state of any person who meets specified criteria as a certified access specialist.

Government Code Section 4459.7 requires the State Architect to annually publish and make available to the public a list of CASps. Amendments to the regulations proposed herein state information that will be disclosed.

GC Section 4459.8 specifies that CASp certification is effective for three years and expires if not renewed; requires each applicant for certification as a Certified Access Specialist to pay fees, including an application fee, examination fee, and certification fee at a level sufficient to meet the operating costs of the program; and authorizes the State Architect, upon consideration of any factual information, may suspend certification or deny renewal of certification.

Subchapter 2.5 of the CCR is the set of rules used for the voluntary Certified Access Specialist (CASp) Program. Proposed amendments to the regulations further clarify the requirements due to examination, certification, and disciplinary requirements, and propose to establish a delinquency period in which a \$150 Delinquency Fee is assessed but permits certification renewal within the first year of delinquency after certification expiration. In addition, proposed requirements for Pro-

Professional Standards for CASps require authorization of CASp services by written agreement and establish the significance of the requirement for CASp signature and certification number on CASp inspection reports.

The following forms are incorporated by reference into the proposed text of the regulations:

Form DSA 600–A CASp Eligibility Application (05/16/14)

Form DSA 601 CASp Examination Registration (11/14/14)

Form DSA 602 CASp Test Accommodation(s) Request (05/16/14)

Form DSA 603 CASp Test Accommodation(s) Request Questionnaire (05/16/14)

Form DSA 650 Disclosure of Social Security Number and/or Federal Taxpayer Identification Number (11/14/14)

Form DSA 600–R CASp Certification Renewal Application (11/14/14)

EXISTING LAWS/REGULATIONS

After conducting an evaluation on any regulations relating to this area, the Division of the State Architect has concluded that these are the only regulations that regulate the Certified Access Specialist Program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. In addition, existing Certified Access Specialist Program regulations are proposed to be amended to provide for necessary Program improvements and to reference requirements for work product issued by a CASp as specified in California statute addressing construction-related accessibility claims. Included in the amendments are non-substantive, grammatical and formatting revisions without regulatory effect.

DSA HAS MADE THE FOLLOWING INITIAL DETERMINATIONS

- Mandated by Federal Law and Regulations: **No.**
- Mandate on local agencies or school districts: **None.**
- Cost to any local agency or school district which must be reimbursed in accordance with GC §17500 thru 17630: **None.**
- Costs or savings to any state agency: **None.**
- Other non-discretionary costs or savings imposed on local agencies: **None.**
- Cost or savings in federal funding to the state: **None.**

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

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Amendment of these regulations will not

- create or eliminate jobs within California;
- create new businesses or eliminate existing businesses within California; or
- affect the expansion of businesses currently doing business within California.

The benefits of this regulation are to clarify the requirements for the examination, certification, disciplinary procedures, and professional standards for the administration of CASp services, which would ultimately lead to a CASp assisting business and facility owners in understanding and achieving compliance under the Americans with Disabilities Act, and in providing accessibility for Californians with disabilities.

COST IMPACT ON PRIVATE PERSONS

DSA has determined that the proposed amendments of existing regulations will have a cost impact on private persons because:

- application fees for licensed design professionals have been decreased in Section 4459.8(b)(2) of the Government Code which provides that the application fee for a California licensed architect, landscape architect, civil engineer, or structural engineer shall not exceed two hundred fifty dollars (\$250). Previously the application fee for the four aforementioned disciplines was \$500, it is now \$100.
- A CASp who has failed to renew certification in a timely manner will be charged a \$150 Delinquency Fee as penalty for the expired certification within the first year of expiration. While this fee is a penalty, it is actually a reduction in fees for the candidate because previously the candidate would have had to pay \$800 in examination fees to requalify for certification through re-examination.
- additional conditions to Grounds for Certification Suspension or Denial of Certification Renewal have been added. There would be a monetary loss to a CASp who could not be practicing during a suspension or denial of certification renewal.

DSA has determined that the proposed amendments to the existing regulations will not have a cost impact on business.

COST BENEFITS

DSA has determined that the proposed amendments of existing regulations will have a cost benefit to private persons as follows:

- A lower application fee for California licensed architects, landscape architects, civil engineers, and structural engineers.
- A \$150 Delinquency Fee instead of a fee of \$800 to retest if a CASp fails to renew certification in a timely manner.

EFFECT ON SMALL BUSINESS

DSA has determined that the proposed amendment of existing regulations does not affect small businesses because the regulation does not regulate small businesses and does not require a report or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

DSA must determine that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. DSA invites interested persons to present statements or arguments with respect to alternatives to the proposed amendment of existing regulations during the written comment period.

CONTACT PERSONS

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

Amber Siepmann
Staff Services Manager I
Division of the State Architect, Headquarters
 Department of General Services
 1102 Q Street, Suite 5100
 Sacramento, CA 95811
Phone (916) 445-4047
Fax (916) 445-7658
amber.siepmann@dgs.ca.gov

The backup contact person is:

Ida Clair
Senior Architect
Division of the State Architect, Headquarters
 Department of General Services
 1102 Q Street, Suite 5100
 Sacramento, CA 95811
Phone (916) 322-2490
Fax (916) 445-7658
Email ida.clair@dgs.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS, PROPOSED TEXT, AND LOCATION OF THE RULEMAKING FILE

All of the information upon which the proposed amendments to the existing regulations are based is contained in the rulemaking file, which is available for public review. To date, the file consists of:

Notice of Proposed Rulemaking (DOC, PDF)

Initial Statement of Reasons (DOC, PDF)

Proposed Text of Regulations in strikeout and underline (DOC, PDF)

Proposed Text of Regulations in strikeout and underline for screen readers (DOC, PDF)

Standard Form 399 Economic and Fiscal Impact Statement Economic Impact Assessment

Form DSA 600-A CASp Eligibility Application (05/16/14)

Form DSA 601 CASp Examination Registration (11/14/14)

Form DSA 602 CASp Test Accommodation(s) Request (05/16/14)

Form DSA 603 CASp Test Accommodation(s) Request Questionnaire (05/16/14)

Form DSA 650 Disclosure of Social Security Number and/or Federal Taxpayer Identification Number (11/14/14)

Form DSA 600-R CASp Certification Renewal Application (11/14/14)

Copies of the rulemaking file may be obtained from our website at <http://www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx> or upon written request to the contact person listed above.

MODIFICATIONS TO THE TEXT OF THE REGULATIONS

After considering all timely and relevant comments received, DSA may adopt the proposed regulations substantially as described in this notice. If DSA makes modifications which are sufficiently related to the origi-

nally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before DSA adopts the regulations as revised. Copies of any modified regulations may be accessed through our website at <http://www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx> or upon written request to the attention of Ms. Siepmann at the address indicated above. DSA will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Express Terms and the Final Statement of Reasons will be available at <http://www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx> or by contacting Amber Siepmann as stated above.

DECISION NOT TO PROCEED

CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

THIRD-PARTY PROVIDERS OF PROPOSITION PLAYER SERVICES; CONTRACTS CGCC-GCA-2014-05-R

NOTICE IS HEREBY GIVEN, pursuant to Government Code section 11347, that the California Gambling Control Commission (Commission) will not proceed with the proposed action to amend Sections 12200, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.21, and 12560, Title 14, California Code of Regulations, concerning contracts for the providing of proposition player services, as described in the Notice of Proposed Action (Notice) published August 8, 2014, in the *California Regulatory Notice Register (Register)*, No. 32-Z, Notice File No. Z2014-0729-05. Publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on August 8, 2014.

PLEASE BE ADVISED that the Commission may initiate a new proposed action to adopt regulations pertaining to the same or similar subject matter at a later date, in which case a new Notice will be published in the *Register* at least 45 days in advance of any new hearings. Comments submitted in response to the August 8,

2014 Notice will not be considered as part of any future rulemaking.

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# 2014-1002-05
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS
 Geology and Geophysics Fee Regulation

This rulemaking action by the Board for Professional Engineers, Land Surveyors, and Geologists (BPELS) amends section 3005 of title 16 of the California Code of Regulations to set a retired license fee for professional geologists and geophysicists in accordance with Business and Professions Code sections 7851 and 7887. This action also removes regulatory language regarding a temporary licensure fee due to the repeal of Business and Professions Code sections 7848 and 7848.1.

Title 16
 California Code of Regulations
 AMEND: 3005
 Filed 11/10/2014
 Effective 01/01/2015
 Agency Contact: Erin LaPerle (916) 263-1848

File# 2014-0924-01
BOARD OF EQUALIZATION
 Taxable Sales of Food Products

This regular rulemaking by the Board of Equalization (“BOE”) amends 18 CCR § 1603 to resolve confusion on the part of some retailers regarding what constitutes “mandatory” versus “optional” tips, gratuities, and service charges. An optional payment designated as a tip, gratuity, or service charge is not subject to tax. A mandatory payment designated as a tip, gratuity, or service charge is included in taxable gross receipts, even if the amount is subsequently paid by the retailer to employees. This rulemaking amends Section 1603 by establishing a bright-line approach to how to treat amounts added by retailers to customers’ bills consistent with how the retailers treat these amounts for Inter-

nal Revenue Service (“IRS”) purposes. The amendments also include other technical and non-substantive amendments to Section 1603, including updating cross-references and moving the Authority and Reference citations so that they precede instead of follow Appendix A.

Title 18
 California Code of Regulations
 AMEND: 1603
 Filed 11/05/2014
 Effective 01/01/2015
 Agency Contact:
 Richard E. Bennion (916) 445-2130

File# 2014-1014-01
 BOARD OF STATE AND COMMUNITY
 CORRECTIONS
 Conflict-of-Interest Code

This is a Conflict-of-Interest code filing that has been approved by the Fair Political Practices Commission on October 3, 2014, and is being submitted for filing with the Secretary of State and printing only.

Title 15
 California Code of Regulations
 ADOPT: 1
 Filed 11/05/2014
 Effective 12/05/2014
 Agency Contact: Ginger Wolfe (916) 341-7325

File# 2014-0929-01
 BOARD OF STATE AND COMMUNITY
 CORRECTIONS
 Construction Financing Program

This certificate of compliance makes permanent the amendments to and adoptions of some sections within Title 15 of the California Code of Regulations. The regulations add eligibility requirements, matching fund requirements, a proposal process and evaluation criteria for the construction financing program for adult local criminal justice facilities.

Title 15
 California Code of Regulations
 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND:
 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730,
 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5,
 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753,
 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772,
 1776, 1778, 1788, 1790, 1792
 Filed 11/06/2014
 Effective 11/06/2014
 Agency Contact: Ginger Wolfe (916) 341-7325

File# 2014-0929-05
 CALIFORNIA ALTERNATIVE ENERGY AND
 ADVANCED TRANSPORTATION FINANCING
 AUTHORITY
 Sales and Use Tax Exclusion

The California Alternative Energy and Advanced Transportation Financing Authority submitted this timely certificate of compliance action to make permanent the amendments to seven sections in title 4 of the California Code of Regulations that were approved in OAL file nos. 2013-0927-06E, 2014-0328-02EE, and 2014-0620-01EE. The emergency regulations incorporated “advanced manufacturing” processes, as authorized and defined in SB 1128 (Stats.2012, ch. 677), into the existing sales and use tax exclusion program already available for manufacturers of alternative source products and advanced transportation products. The emergency regulations also clarified eligibility and evaluation criteria for reviewing applications from manufacturers of energy efficiency products, which are considered alternative source products, and made a number of administrative changes.

Title 4
 California Code of Regulations
 AMEND: 10030, 10031, 10032, 10033, 10033,
 10035, 10036
 Filed 11/10/2014
 Effective 11/10/2014
 Agency Contact: Alejandro Ruiz (916) 651-5101

File# 2014-1031-01
 CALIFORNIA POLLUTION CONTROL
 FINANCING AUTHORITY
 CPCFA — Rate Reduction Bonds

This emergency rulemaking action adds nine sections to title 4 of the California Code of Regulations to establish the process, standards, and time lines for review by the California Pollution Control Financing Authority of Issuer Applicants’ applications to issue Rate Reduction Bonds for the financing of water utility projects by publicly owned utilities.

Title 4
 California Code of Regulations
 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136,
 8137, 8138
 Filed 11/10/2014
 Effective 11/10/2014
 Agency Contact: Andrea Gonzalez (916) 651-7284

File# 2014-1016-02
 COMMISSION ON TEACHER CREDENTIALING
 Conflict-of-Interest Code

This is an amendment to a Conflict-of-Interest Code that has been approved by the Fair Political Practices

Commission on September 26, 2014, and submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 5
California Code of Regulations
AMEND: 80225
Filed 11/10/2014
Effective 12/10/2014
Agency Contact: Ashim Gardner (916) 324-3937

File# 2014-0924-02
DENTAL BOARD OF CALIFORNIA
Portfolio Examination Requirements

Assembly Bill 1524 (Chapter 446, Statutes of 2010) eliminated the clinical and written examination administered by the Dental Board of California (Board) and replaced it with a portfolio examination of applicant's competence to enter the practice of dentistry, to be conducted while the applicant is enrolled in a Board approved dental school located in California. The Board proposed to adopt sections 1023.7, 1032.8, 1032.9, 1032.10, and 1036.01, and amend sections 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1033, 1033.1, 1034, 1034.1, 1035, and 1036 of title 16 of the California Code of Regulations to implement Assembly Bill 1524.

Title 16
California Code of Regulations
ADOPT: 1032.7, 1032.8, 1032.9, 1032.10, 1036.01
AMEND: 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1033, 1033.1, 1034, 1034.1, 1035, 1036
Filed 11/05/2014
Effective 11/05/2014
Agency Contact: Sarah Wallace (916) 263-2187

File# 2014-1009-01
DEPARTMENT OF INSURANCE
Low Cost Auto Plan of Operations — Rating Factors

This action amends the California Low Cost Automobile Insurance program based upon proposed rates calculated by the California Automobile Assigned Risk Plan (CAARP). The amendments establish or fix rates, prices, or tariffs.

Title 10
California Code of Regulations
AMEND: 2498.6
Filed 11/10/2014
Effective 01/01/2015
Agency Contact: Mike Riordan (415) 538-4226

File# 2014-1002-04
DEPARTMENT OF SOCIAL SERVICES
Hospice Terminally Ill, Adult Residential Facility

This rulemaking by the California Department of Social Services amends sections in Title 22 of the California Code of Regulations and the MPP to implement AB 1961 and AB 1166, which amended Health and Safety Code sections 1569.73, 1507.3 and 1569.74. The changes allow Residential Care Facilities (ARF) to accept terminally ill persons receiving hospice care into those facilities and allow ARF and Residential Care Facilities to contact the hospice agency in lieu of calling 9-1-1 during an emergency situation for hospice terminally ill client/residents under certain conditions.

Title 22, MPP
California Code of Regulations
AMEND: 85001, 85075.1, 85075.2, 85075.3
Filed 11/10/2014
Effective 01/01/2015
Agency Contact: Zaid Dominguez (916) 651-8267

File# 2014-1006-03
DIVISION OF BOATING AND WATERWAYS
Quagga and Zebra Mussel Infestation Prevention Program

The Department of Parks and Recreation, Division of Boating and Waterways submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file number 2013-1001-02E, re-adopted in OAL file number 2014-0319-01EE, and re-adopted for a second time in OAL file no. 2014-0624-01EE. The emergency rulemaking added new sections to Title 14 of the California Code of Regulations which clarify the procedures related to administering the mussel fee and grant program intended to cover the costs of quagga and zebra mussel prevention activities.

Title 14
California Code of Regulations
ADOPT: 5200, 5200.5, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5304.5, 5305, 5306, 5307
Filed 11/05/2014
Effective 11/05/2014
Agency Contact: Robin Turgeon (916) 327-1851

File# 2014-0924-04
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2014-15

The Education Audit Appeals Panel (Panel) submitted this timely certificate of compliance action to make permanent the regulatory action in OAL file no. 2014-0603-03E. In that action, the Panel repealed all but one of their title 5 regulations pertaining to auditing

California K–12 Local Education Agencies, and transferred or restated applicable regulatory provisions from the repealed sections into a new audit guide, which is now being incorporated by reference in a newly adopted regulation. This updated the Panel’s annual audit guide as required under Education Code section 14502.1, which became effective on 7/1/2014 and became applicable to the 2014–2015 fiscal year.

Title 5

California Code of Regulations

ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1, 19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846, 19846.1, 19847, 19848, 19849, 19850, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855

Filed 11/05/2014

Effective 11/05/2014

Agency Contact: Mary Kelly (916)445–7745

File# 2014–1104–02

OFFICE OF ADMINISTRATIVE LAW

Changes to 1 CCR sections 1, 14, 20

In this “changes without regulatory effect” filing, the Office of Administrative Law amends three of its regulations. The regulation amendments update reference citations and a cross–reference in regulation text, primarily to reflect statutory re–numbering (re–lettering) of Government Code sections 11343 and 11344 in S.B. 1099, Chapter 295, Statutes of 2012. The regulation amendments constitute “changes without regulatory effect” under CCR, title 1, section 100(a)(4) and (a)(5).

Title 1

California Code of Regulations

AMEND: 1, 14, 20

Filed 11/10/2014

Agency Contact: Richard L. Smith (916)323–6809

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 11, 2014 TO
November 12, 2014**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted

by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

11/10/14 AMEND: 1, 14, 20

10/29/14 AMEND: 86

Title 2

11/03/14 ADOPT: 559.518

10/29/14 AMEND: 18705.3

10/27/14 AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065

10/20/14 AMEND: 18705.2

10/17/14 AMEND: 3435

10/17/14 AMEND: 3435(b)

10/13/14 AMEND: 599.615, 599.615.1, 599.616, 599.616.1, 599.619, 599.621, 599.622, 599.623, 599.624, 599.624.1, 599.625, 599.625.1, 599.626, 599.626.1, 599.627, 599.627.1, 599.628, 599.628.1, 599.629, 599.629.1, 599.630, 599.631, 599.633, 599.633.1, 599.634, 599.635, 599.635.1, 599.636, 599.636.1, 599.637, 599.638, 599.638.1, 599.640, 599.641, 599.642, 599.643, 599.644, 599.645, 599.646, 599.647, 599.648, 599.649, 599.650, 599.651, 599.652, 599.655, 599.656, 599.657, 599.658, 599.659, 599.660, 599.661, 599.662, 599.663, 599.664, 599.665, 599.666, 599.666.1, 599.667, 599.668, 599.669, 599.670, 599.671, 599.672, 599.672.1, 599.673, 599.674, 599.675, 599.676, 599.676.1, 599.677, 599.678, 599.679, 599.680, 599.681, 599.682, 599.683, 599.684, 599.685, 599.686, 599.687, 599.688, 599.689, 599.690, 599.691, 599.700, 599.701, 599.702, 599.703, 599.703.1, 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, 599.710, 599.711, 599.714, 599.714.1, 599.715, 599.715.1, 599.716, 599.716.1, 599.717, 599.717.1, 599.718, 599.718.1, 599.719, 599.719.1, 599.720, 599.720.1, 599.721, 599.722, 599.723, 599.723.1, 599.723.2, 599.724, 599.724.1, 599.725, 599.726, 599.727, 599.728, 599.729, 599.730, 599.731,

08/06/14 AMEND: 6000, 6196, 6400, 6624
 REPEAL: 6446, 6446.1
 08/05/14 REPEAL: 3277
 07/22/14 AMEND: 3591.13(a)
 07/10/14 AMEND: 3424
 06/27/14 AMEND: 1430.142
 06/24/14 AMEND: 3435(b)
 06/17/14 AMEND: 3435(b)

Title 4

11/10/14 ADOPT: 8130, 8131, 8132, 8133, 8134,
 8135, 8136, 8137, 8138
 11/10/14 AMEND: 10030, 10031, 10032, 10033,
 10033, 10035, 10036
 10/27/14 ADOPT: 10170.16, 10170.17, 10170.18,
 10170.19, 10170.20, 10170.21,
 10170.22, 10170.23, 10170.24
 10/23/14 ADOPT: 4190, 4191
 10/06/14 ADOPT: 7113, 7114, 7115, 7116, 7117,
 7118, 7119, 7120, 7121, 7122, 7123,
 7124, 7125, 7126, 7127, 7128, 7129
 09/17/14 AMEND: 1658, 1656
 09/15/14 AMEND: 1844
 09/08/14 ADOPT: 10080, 10081, 10082, 10083,
 10084, 10085, 10086, 10087
 09/08/14 AMEND: 1536
 08/13/14 AMEND: 7051, 7052, 7057, 7058, 7059,
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 08/13/14 AMEND: 7030, 7031, 7036, 7037, 7038,
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 08/06/14 ADOPT: 10170.1, 10170.2, 10170.3,
 10170.4, 10170.5, 10170.6, 10170.7,
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 08/06/14 ADOPT: 10170.16, 10170.17, 10170.18,
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 08/05/14 ADOPT: 7113, 7114, 7115, 7116, 7117,
 7118, 7119, 7120, 7121, 7122, 7123,
 7124, 7125, 7126, 7127, 7128, 7129
 07/10/14 ADOPT: 5600, 5610, 5620, 5630, 5640
 AMEND: 5000, 5144, 5170, 5200, 5205,
 5230, 5240, 5255, 5350, 5370
 06/30/14 AMEND: 10030, 10031, 10032, 10033,
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 06/18/14 AMEND: 12505
 06/18/14 AMEND: 8070, 8072
 06/16/14 AMEND: 4001 ADOPT: 4002.9
 06/13/14 AMEND: 8034
 06/11/14 ADOPT: 12387 AMEND: 12360, 12386

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11/10/14 AMEND: 80225
 11/05/14 ADOPT: 19810 REPEAL: 19810, 19812,
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 19846.1, 19847, 19848, 19849, 19850,
 19851, 19851.1, 19852, 19853, 19854,
 19854.1, 19855
 10/30/14 AMEND: 26000
 10/27/14 ADOPT: 15494, 15495, 15496, 15497
 10/07/14 REPEAL: 19839
 09/10/14 AMEND: 80037
 09/08/14 AMEND: 55518
 08/27/14 REPEAL: 11968.5
 08/27/14 ADOPT: 853.7 AMEND: 850, 851, 852,
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 862.5, 863, 864 REPEAL: 854, 864.5,
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 08/25/14 ADOPT: 15498, 15498.1, 15498.2,
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 08/25/14 ADOPT: 12030, 12031, 12032, 12033,
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 07/28/14 ADOPT: 15494, 15495, 15496, 15497
 07/23/14 AMEND: 850, 851, 852, 853, 853.5, 855,
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 07/11/14 ADOPT: 80693, 80694
 06/26/14 ADOPT: 9517.3
 06/13/14 ADOPT: 19810 REPEAL: 19810, 19812,
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10/15/14 ADOPT: 10390, 10391, 10392, 10393,
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10592, 10760, 10995, 10996 10770
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 10/02/14 AMEND: 1903
 09/30/14 AMEND: 9792.5.1
 09/23/14 AMEND: 9789.32
 09/17/14 AMEND: 10205.13
 09/15/14 AMEND: 10205.14
 08/27/14 ADOPT: 9767.5.1, 9767.16.5, 9767.17,
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 08/25/14 AMEND: 3314
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 06/24/14 AMEND: 5155
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 07/29/14 AMEND: 1840.205, 1850.325
 06/23/14 AMEND: 4500
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 11/10/14 AMEND: 2498.6
 11/03/14 AMEND: 2318.6, 2353.1, 2354
 10/22/14 ADOPT: 2187.31, 2188.10 AMEND:
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 09/02/14 REPEAL: 5.6000; 5.6000.5; 5.6001;
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 5.6007; 5.6100; 5.6101; 5.6102; 5.6110;
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	06/30/14	AMEND: 2705, 2710, 2713, 2718, 2725.5, 2729, 2729.5, 2731, 2742, 2743, 2746, 2752, 2758.4, 2758.5, 2761, 2763, 2790, 2790.8, 2791, 2792.1, 2792.2, 2792.18, 2792.32, 2793, 2795, 2799.2, 2801.5, 2806, 2807.4, 2809, 2809.1, 2809.3, 2810.5, 2831, 2840, 2842, 2845, 2846, 2846.7, 2846.8, 2847, 2847.3, 2848, 2849.01, 2851, 2860, 2910, 2911, 2912, 2922, 2930, 2940, 2945.2, 2945.4, 2963, 3000, 3002, 3004, 3006, 3007, 3007.2, 3007.6, 3009, 3013, 3100, 3101, 3104, 3106, 3107	
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