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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: PASO ROBLES JOINT UNIFIED
SCHOOL DISTRICT
CALIFORNIA STATEWIDE
COMMUNITIES
DEVELOPMENT
AUTHORITY**

A written comment period has been established commencing on **January 30, 2009**, and closing on **March 16, 2009**. 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 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 **March 16, 2009**. 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 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 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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

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

PUBLIC MEETING: On March 19, 2009, at
10:00 a.m.
in the Costa Mesa City Council
Chambers,
77 Fair Drive, Costa Mesa,
California 92626.

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

PUBLIC HEARING: On March 19, 2009, following
the Public Meeting,
in the Costa Mesa City Council
Chambers,
77 Fair Drive, Costa Mesa,
California 92626.

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

BUSINESS

MEETING: On March 19, 2009, following
the Public Hearing,
in the Costa Mesa City Council
Chambers,
77 Fair Drive, Costa Mesa,
California 92626.

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

DISABILITY ACCOMMODATION NOTICE

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

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on March 19, 2009.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7,
 Article 10
 Section 3400
Medical Services and First Aid
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7,
 Article 107
 Section 5155
Airborne Contaminants

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7,
 Article 10
 Section 3400
Medical Services and First Aid

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking is the result of the Occupational Safety and Health Standards Board (Board) Petition File No. 482 regarding first aid and medical services that was submitted on March 6, 2006, by a person requesting anonymity. On August 17, 2006, the Board granted the petition to the extent that an advisory committee be convened by the Division of Occupational Safety and Health (Division) to examine the Petitioners request. The advisory committee met on November 3, 2006.

Petition No. 482 called for mandating employee access to the 911 call system for provision of emergency medical services. The Division believes that every employer should be obligated to make effective advance preparation to ensure the delivery of emergency medical services. Several existing Title 8 regulations (specifically, Section 1512(a) and Section 3395, subsections (g) and (h)) establish this obligation for specific occupations or conditions, while Section 3220 implies such advance preparation is a more general obligation. Section 3400(f) currently obligates only those employers located at isolated locations to make provisions for emergency medical services in advance.

The effect of this proposal would be to require all employers to make effective advance plans for the delivery of emergency medical services by providing one or a combination of the following: 1) on-site medical treatment facilities, 2) appropriate means to transport injured or ill employees to a medical treatment facility, 3)

or a suitable communication system with which to summon off-site medical services.

Section 3400. Medical Services and First Aid.

Subsection (b)

This subsection requires first aid training to meet certain minimum standards, such as those of the federal mine safety agency. The name of the federal mine safety agency has changed since the original adoption of this subsection, so this proposed rulemaking would make an editorial change which is necessary to correct the reference to the current name of the agency.

Subsection (c)

This subsection requires adequate first aid materials be supplied to employees. Employees are referred to as "workmen." This proposed rulemaking action would make this reference gender neutral which is necessary to modernize the grammatical usage of this section.

Subsection (f)

Subsection (f) requires employers to develop advance plans for providing emergency medical services to seriously injured or ill employees at isolated locations. There are employment locations which, while not isolated, still require advance planning if emergency medical services are to be expeditiously and reliably delivered. The following changes to Section 3400(f) are necessary to improve the standard to ensure that *all* employers are required to make effective advance preparations for medical emergencies:

1. In the first sentence:
 - a) The term "*isolated location*" would be removed. The duty of an employer to make effective advance preparations to provide emergency medical services is no different for an employer at an isolated location than for any other employer. However, the proposed new language preserves an employer's option to provide emergency medical services via prompt transport of injured or ill employees. Thus, where appropriate and effective, employers at isolated or remote locations would still have this option available.
 - b) The word, "*effective*" would be added as the first word of the subsection to make clear that employer provisions for emergency medical services must be adequate to deliver them to the jobsite in a timely and reliable manner.
 - c) The word "*must*" is changed to "*shall*" without regulatory effect so that word usage will conform to that found throughout the rest of Title 8.

- d) Medical “*attention*” would be changed to “*treatment*” for purposes of clarity.
 - e) The phrase “in case of serious injuries” would be changed to “in the event of serious injury or illness.” The phrase “in the event of” is more consistent with usual usage in Title 8. “Illness” is added so there is clarity that both injuries and illnesses are intended to be covered by this section.
2. The second sentence of this section makes it clear that the methods the employer chooses to provide emergency medical services must avoid unnecessary delay in providing medical treatment and that an employer is not restricted to a single method.
 3. Finally, there is a list of choices that, singly or in combination, meet the criteria for the effective provision of medical services. These are the same options that are mentioned in the existing version of this subsection, but changes have been made that clarify aspects inherent in these options that must be addressed if the choices are to indeed be effective in providing medical services.
 - a) The first option covers the summoning of outside medical services via any effective electronic method, including the 911 system. In order to ensure the effectiveness of this option, wording is included to alert employers that it may be necessary to include provision for directing responding services to specific locations within a large facility or building.
 - b) The second option for an on-site treatment facility (changed from “on-the-site” for clarity) makes it clear that if an employer chooses this option, the facility must be medically adequate for treating the anticipated severity of injury or illness and readily accessible so there is no delay in providing the treatment.
 - c) The third option adds language to clarify that when transport is chosen for medical reasons, the mode of transport is both appropriate for the medical purpose and is necessary. This rewording is necessary to ensure that it is clear to employers choosing this option that their advance planning include choice of appropriate type of vehicle to transport either injured or ill employees, and that employees should be transported only when it is medically appropriate. For example, it might not be medically appropriate to transport a person with a broken back in a van over rough back country roads. The proposed change

would also change the reference from injured “person” to “employee” to be more consistent with Title 8 language usage.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

Impact on Businesses

The Board has made an initial 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.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

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

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which car-

ries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Ca1.3d 46.)

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

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will not affect small businesses as defined in Government Code Section 11342.610.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

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

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Division 1, Chapter 4, Subchapter 7,
Article 107
Section 5155
Airborne Contaminants

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 5155, Airborne Contaminants, establishes minimum requirements for controlling employee exposure to specific airborne contaminants. This section specifies several types of airborne exposure limits, requirements for control of skin contact, workplace environmental monitoring through measurement or calculation, and medical surveillance requirements. California periodically amends the airborne contaminants table (Table AC-1) in this standard to keep it consistent with current information regarding harmful effects of exposure to these substances and other new substances not listed. This standard was last revised in 2006. Consistent with past practice, the substances addressed in this rulemaking originated with changes to the Threshold Limit Values (TLVs) published by the American Conference of Governmental Industrial Hygienists (ACGIH). This rulemaking considered changes in ACGIH TLVs dating from 1997.

The Division of Occupational Safety and Health (Division), in developing the current and past proposals for Table AC-1, has convened advisory committees to consider and make recommendations on the exposure limits for substances under consideration. The Airborne Contaminants Advisory Committee (Committee), which considered substances for development of this proposal, met between May 2001 and January 2004. The Committee independently evaluated the changes made to the TLVs using the ACGIH documentation, as well as documents and studies referred to in the ACGIH documentation or identified independently. The meetings of the Committee were open to the public. The Division held an additional public advisory meeting on May 18, 2005 to receive informal comments on the recommendations of the Committee which are the subject of this rulemaking. In some cases, the levels recommended by the Committee were changed based on information received at this additional advisory meeting.

The exposure limits of the following substances are proposed to be lowered:

- allyl glycidyl ether
- coal (bituminous) dust
- cyclonite
- p-dioxane
- methyl n-butyl ketone
- nickel metal, as Ni
- nickel, insoluble compounds, as Ni
- nickel, soluble compounds, as Ni
- ozone
- vinyl bromide

Exposure limits for the following substances are proposed to be added to Table AC-1 (new substances):

- 1-bromopropane, n-propyl bromide
- glyoxal, 1,2-ethanedione
- methyl vinyl ketone
- nickel subsulfide
- refractory ceramic fiber
- vinyl fluoride

In addition to the above, the following amendments and additions are made to the existing set of footnotes to Table AC-1:

Existing footnote (n) is proposed to be amended to allow for use of a smaller sampler to use sampling device for collection of samples for comparison with PELs in Table AC-1 for respirable dusts.

A new footnote (p) is proposed that allows for subtraction of ambient levels of ozone from the measured exposure level compared to the PEL. This footnote is being added in conjunction with the proposed revision to the PEL for ozone.

Existing footnote (q) is proposed to be amended to make it more generally applicable beyond glass fibers. This revision is proposed in conjunction with the proposed addition to Table AC-1 of a PEL for refractory ceramic fiber.

A new footnote (u) is proposed that requires comparison of the PEL with the sum of measured exposure to both vapor and particulate. This footnote is proposed to be added in conjunction with the proposed addition to Table AC-1 of a PEL for glyoxal.

The effect of these amendments is to reduce the risk of material impairment of health or functional capacity for employees exposed to the above substances.

All proposed changes to Section 5155 are considered at least as effective as or more stringent than the federal OSHA requirements in Title 29, Code of Federal Regulations (29 CFR) section 1910.1000, Airborne contaminants.

COST ESTIMATES OF PROPOSED ACTION

This rulemaking proposal contains proposed revisions of permissible exposure limits (PELs) for 13 substances in an existing standard whose specific purpose is to specify PELs for a large number of toxic substances to workers may be exposed. The primary users of the substances for which revised PELs are proposed are in the private industrial and chemical sectors. These proposed new PELs are consistent with the recommendations of the American Conference of Governmental Industrial Hygienists or with scientific findings of which professional health and safety staff and consultants of these entities should be aware. Many of these

entities already seek to control employee exposures to these levels in the interest of business continuity, other more general requirements to protect worker health and safety, and minimization of tort and workers' compensation liability.

The Board has received no indication that any of the proposed PEL revisions will have significant cost impacts, with the exception of those for 1-bromopropane and refractory ceramic fiber. With respect to those two, while some indication has been received in the form of comments and information that they may have a cost impact on affected employers, it has been determined after considering the input provided that they, like the other proposed PELs, will not result in significant cost impacts overall. The details of the cost comments provided are described below.

1-bromopropane. A statement was received from the International Brominated Solvents Association indicating this organization's opinion that compliance with the proposed PEL for 1-bromopropane would have an associated cost, but when asked for information on cost, a representative of the organization indicated that they preferred to wait to see the actual rulemaking proposal before responding with such information. The Board remains without any concrete information pointing to a cost impact.

Refractory ceramic fiber (RCF). Cost information regarding the proposed PEL of 0.2 f/cc for RCF was received after the special public advisory meeting of May 18, 2005, from Dr. L. Daniel Maxim of Everest Consulting Associates of Cranbury, New Jersey, who is a longtime technical consultant for the Refractory Ceramic Fibers Coalition (RCFC). In a letter dated September 27, 2007, Dr. Maxim provided information to help explain the annual compliance cost estimate of \$4.6 million for 1,263 potentially exposed California workers that had first been offered by RCFC representatives at that advisory meeting.

In response to a request for additional details on this cost estimate, a subsequent letter dated December 7, 2007, was received from Mr. John Allshouse, also of Everest Consulting. The letter details the individual item expenditures forming the basis of the \$4.6 million cost estimate provided at the May 18, 2005 meeting and is consistent with Dr. Maxim's letter of September 27, 2007.

However, the details provided by both letters indicate that about 70% of this cost estimate is for items such as a comprehensive air monitoring program, change rooms, shower rooms, lunch rooms and other items required in many comprehensive "vertical" standards e.g., those for asbestos, and lead, but not required by the proposed PEL. The remaining 30% or \$1.4 million of the cost items detailed in Mr. Allshouse's letter pertain to items such as HEPA vacuums, engineering controls, respira-

tors, and respirator fit tests, the need for which could result from or be increased by the proposed PEL.

The \$1.4 million in estimated compliance cost that remains after removing measures not required by the proposed PEL must be adjusted further downward to account for current worker exposure in the state. Dr. Maxim's letter of September 27, 2007 indicates that only about 35% of airborne exposure measurements of employees of California companies working with RCF were exposed above the proposed PEL of 0.2 f/cc, and the measurements described in his letter are consistent with other RCFC documents and statements.

If, as Dr. Maxim's letter indicates, only 35% of the 1,263 workers estimated to be working with RCF in California will require exposure reduction measures to comply with the proposed PEL of 0.2 f/cc, then only 35% of the estimated \$1.4 million in exposure reduction costs should be considered to be applicable to the cost of compliance. This translates to 442 (35% of 1263) workers requiring exposure reduction measures costing \$490,000 (35% of \$1.4 million), for a per-worker cost of \$1109, assuming the original figure of \$4.6 million from Dr. Maxim is accurate. Since employers will likely have only a subset of employees who require these measures, the total per-employee cost for all employees employed by all employers in this industry adds important perspective, and that figure is \$490,000 divided by 1263, or \$388.

As was stated in the NIOSH Criteria Document (2006) for refractory ceramic fiber:

Because residual risks of cancer (lung cancer and pleural mesothelioma) and irritation may still exist at the REL [of 0.5 f/cm³, NIOSH further recommends that all reasonable efforts be made to work toward reducing exposures to less than 0.2 f/cm³. At this concentration, the risks of lung cancer are estimated to be 0.03 to 0.47 per 1,000 based on extrapolations of risk models from Sciences International [1998], Moolgavkar et al. [1999], and Yu and Oberdörster [2000].

Given the compliance cost analysis provided above, the overall employment cost of maintaining a workforce, the overall cost of doing business, and the positive health impacts likely to result from a reduction in the PEL, the proposed PEL will not have a significant cost impact.

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

Impact on Businesses

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.

Cost impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

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

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Ca1.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety

and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

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

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed amendments may affect small businesses. However no adverse economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to the standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

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

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than March 13, 2009. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on March 19, 2009, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written

comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

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

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

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

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

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 155.05 and add Section 155.07, in Chapter 1, Division 1, Article 3.0, in Title 13, of the California Code of Regulations to implement amended procedures to comply with newly enacted statutes in the Vehicle Code for salvage and nonrepairable certificate applications.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m. on March 16, 2009, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code Section 1651, in order to implement, interpret or make specific Sections 11515, 11515.1 and 11515.2 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 2006, Assembly Bill 1122 (Ch. 412) was enacted to authorize the department to issue a salvage certificate for a vehicle without the titling documents under certain conditions.

The department proposes to amend Section 155.05 and adopt Section 155.07, in Title 13, of the California Code of Regulations. These proposed regulatory changes identify the different procedures and forms required by the department to issue salvage certificates and nonrepairable certificates which are currently identified as one process in Section 155.05.

The proposed amended Section 155.05 shall identify the procedures and forms required by the department to issue a salvage certificate, which includes the issuance of a salvage certificate without receipt of titling documents. The proposed for adoption Section 155.07 shall identify the procedures and forms required by the department to issue a nonrepairable vehicle certificate.

DOCUMENTS IDENTIFIED IN THE PROPOSED TEXT

- Application for Salvage Certificate or Nonrepairable Vehicle Certificate, REG. 488C (REV. 8/2008)
- Statement of Facts, REG. 256 (REV. 1/2007)
- Unobtainable Title Certification for Issuance of Salvage Certificate, REG. 492 (REV 1/2007).

The three (3) forms are incorporated by reference in the Initial Statement of Reasons and are currently available on the department's website at www.dmv.ca.gov/forms. The forms are also available upon request from the department and are with the contact person listed on page three (3) of this document.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any costs impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation simplifies the process to obtain a salvage certificate. Only the completion of a portion of an additional form would be required. Waiting for or having to apply for duplicate titling documents will no longer be required under specific criteria.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory 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. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the State of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the State of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- The proposed regulatory action will affect small businesses because the proposed regulatory action does require completion of an additional form. The regulation allows an insurance company, an occupational licensee of the department authorized by the insurance company or a salvage pool authorized by the insurance company to complete a request for a salvage certificate when unable to obtain titling documents within 30 days. This will simplify the salvage certificate process for these businesses.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station C-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to an alternate regulations analyst, Randi Calkins, at (916) 657-8898 or e-mail rcalkins@dmv.ca.gov. The fax number for the Regulations Section is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the pro-

posed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 790, 873.1, 873.2, 873.3, 873.4, 873.5, 873.7, 874.2, 874.3, 877.2, 877.3 in Subdivision 4, Chapter 7, of Title 14 of the California Code of Regulations (CCR). These sections pertain to Definitions; Administrative Compliance Actions and Civil Penalties; and, Determining Amount of Petroleum Hydrocarbons Recovered.

PUBLIC HEARING

Pursuant to Government Code Section 11346.8(a), no public hearing has been scheduled on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested persons, or his or her duly authorized representative, no later than 15 days prior to the close of the

written comment period. If a hearing is requested, it will be held in Sacramento.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on March 16, 2009, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Sections 8670.37.5 and 8670.68 grants the Administrator of OSPR the authority to adopt regulations and guidelines imposition and collection of administrative civil penalties and the liability for specified violations of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act). These regulations implement, interpret and make specific Government Code Sections 8670.67, 8670.67.5, 8670.68 and 11400.20.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act), created a comprehensive state oil spill program

for California's marine waters. Among its many provisions, it provides the Administrator broad authority to regulate the methods utilized by the industry to transport oil, and to enforce those regulations utilizing administrative, civil or criminal sanctions, in order to meet the goal of providing the best achievable protection of California's valued natural resources.

Following the enactment of the above-cited legislation, and the establishment of the Office of Spill Prevention and Response (OSPR), regulations governing marine oil spill administrative civil liability and/or penalties upon persons violating any provision of the Act, or any permit order, or regulations issued or promulgated by OSPR, under the provisions of the Act, for were adopted. These sections establish clear and consistent guidelines to those parties either affected by their adoption or charged with their enforcement. These regulations were necessary to implement, interpret and make specific Government Code Sections 8670.67, 8670.67.5, 8670.68 and 11400.20.

AB 2911 (Chapter 565, Statutes of 2008) included inland oil spills, as defined, in the provisions for administrative civil liability and/or penalties. Other changes have been proposed, including removal of the classifications of violations, and updating definitions.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

The proposed regulations will directly impact those businesses which violate the provisions of the Act.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant state-wide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared a Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

The Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address, under the "Regulations Under Review" link:

<http://www.dfg.ca.gov@ospr/law>

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or John Holland ((916) 445-3153).

TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Doubletree Hotel Los Angeles International Airport, 1985 East Grand Avenue, El Segundo, California 90245-5015, telephone (310) 322-0999, at 1:30 p.m. on March 20, 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on March 18, 2009, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 462, 5010, and 5027 of the Business and Professions Code, and to implement, interpret or make specific Sections 462, 5026, 5027, 5028, and 5051 of said Code, the Board is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend Section 80 of Title 16 of the California Code of Regulations.

Current Section 80 allows licensees to place their license in an inactive status. Section 80 also outlines the requirements to renew an inactive license, including the required fee, and establishes the continuing education guidelines for licensees electing to convert their license to an active status.

The proposed action would further clarify the continuing education requirements for licensees electing to

convert their license to an active status at the time of renewal. The objective of this proposal is to ensure that licensees re-entering public practice are equipped with technical expertise necessary to practice public accounting. In addition, this proposal would make minor wording changes to update and improve the clarity and consistency of the Board's continuing education regulations.

2. Add Section 81 to Title 16 of the California Code of Regulations.

Presently, the Board does not have continuing education requirements specific to licensees renewing a license from an expired status to an active status. Section 87 of Title 16 of the California Code of Regulations requires that licensees renewing a license in an active status complete 80 hours of continuing education in the two-year period immediately preceding license expiration. This section does not provide the clarity necessary related to renewing a license after it has expired.

The proposed action would clearly define the continuing education requirements and time period in which the continuing education must be completed for renewing a license in an expired status.

3. Amend Section 87 of Title 16 of the California Code of Regulations.

Current Section 87 establishes the minimum number of hours and subject area requirements to renew a license in an active status. Presently, no minimum yearly requirement exists for licensees to complete continuing education. In addition, Section 87.7 of Title 16 of the California Code of Regulations requires that licensees renewing a license in an active status complete an eight-hour, Board-approved Professional Conduct and Ethics course.

The proposed action would establish a minimum yearly continuing education completion requirement, designed to ensure minimum competency throughout the renewal period and technical expertise for licensees providing public accounting services.

This proposal would establish a requirement that licensees complete a minimum number of hours in ethics-related subject matter each renewal period to maintain a license in an active status. The Board believes that licensees' increased exposure to ethics education is in the public's interest, and, therefore, is phasing-out the Professional Conduct and Ethics course requirement and establishing a biennial ethics requirement. The proposed action would also eliminate a subsection related to out-of-state licensees, which is no longer applicable since the establishment of the Board's practice privilege requirement in January 2006. Finally, this proposal would make minor wording changes to update and im-

prove the clarity and consistency of the Board's continuing education regulations.

4. Amend Section 87.1 of Title 16 of the California Code of Regulations.

Current Section 87.1 specifies the requirements for converting a license from an inactive status to an active status prior to the next license expiration date. Two specific requirements are that licensees complete 80 hours of continuing education in the 24-month period prior to converting the license to an active status, and completion of a Professional Conduct and Ethics course if more than six years have elapsed since the licensee last completed the course.

This proposal would establish that licensees continue to complete 80 hours of continuing education in the 24-month period prior to converting the license to an active status, however, a specified number of the 80 hours will need to be completed in the one-year period prior to conversion, in addition to highlighting that licensees fulfill the ethics requirement. Additionally, the Professional Conduct and Ethics course requirement will be replaced with a regulatory review course requirement as proposed in Section 87.8. Finally, this proposal would make minor wording changes to update and improve clarity and consistency of the Board's continuing education regulations.

5. Amend Section 87.7 of Title 16 of the California Code of Regulations.

Current Section 87.7 establishes the Board's Professional Conduct and Ethics course requirement. The section establishes the requirement that licensees renewing a license in an active status complete an eight-hour, Board-approved Professional Conduct and Ethics course once every six years. Section 87.7 also establishes the guidelines for course content and the process that potential providers are required to complete in order to have a course approved by the Board.

The Professional Conduct and Ethics course requirement is being phased-out. The Board is proposing increased exposure to ethics education for renewing a license in an active status, in addition to requiring a course more focused on the statutes and regulations governing licensees.

This proposal also establishes the time period during which licensees may continue to complete and report a Professional Conduct and Ethics course in fulfillment of the new ethics education and regulatory review requirements. The proposal also establishes the time period during which existing Board-approved Professional Conduct and Ethics courses can continue to be offered as an approved course to licensees. Finally, the proposal establishes that the Board will no longer approve Pro-

Professional Conduct and Ethics courses as of the effective date of the regulatory changes.

6. Add Section 87.8 to Title 16 of the California Code of Regulations.

This proposal would add Section 87.8 to Title 16 of the California Code of Regulations and require licensees to complete a course specifically on the California Accountancy Act and California Board of Accountancy Regulations. The course would emphasize the provisions applicable to current practice situations. In addition, the course would cover historic and recent disciplinary actions taken by the Board, highlighting the misconduct which led to licensees being disciplined. The course would be a minimum of two hours, completed every six years, and licensees would be required to select from a list of Board-approved courses.

7. Add Section 87.9 to Title 16 of the California Code of Regulations.

This proposal would establish the approval process for providers seeking to offer a course which may be claimed by a licensee to fulfill the newly proposed requirements in Section 87.8. The proposal outlines the application process, course content requirements, and compliance requirements for potential course providers. In addition, the proposal establishes an appeal process for providers either denied initial approval, or providers whose approval has been discontinued by the Board.

8. Amend Section 88 of Title 16 of the California Code of Regulations.

Current Section 88 outlines programs which qualify as acceptable continuing education. In addition, it establishes technical and non-technical subject areas, and requires that licensees complete a minimum of 50 percent (40 hours) of qualifying continuing education in technical subject areas.

This proposal would add allowable subject areas to the technical requirement, while removing the reference to the Professional Conduct and Ethics course. Specifically, the proposal would add fraud, as well as the newly established ethics education and regulatory review course requirements (defined in amended Section 87 and newly added Section 87.8, respectively) as acceptable technical continuing education. This proposal also would make minor wording changes to update and improve the clarity and consistency of the Board's continuing education regulations.

9. Amend Section 88.1 of Title 16 of the California Code of Regulations.

Current Section 88.1 establishes the provider requirements for live presentation, group Internet-based programs (webcast), and self-study programs. Licensees

must ensure that providers of a course meet these minimum requirements in order for the course to qualify as continuing education. As part of the requirements, providers must issue a certificate of completion to each licensee upon satisfactory completion of the course.

This proposal would require that providers place the following information on the certificate of completion: verification by a program provider representative, such as a signature or seal, and delineate the subject areas covered in the course.

10. Amend Section 88.2 of Title 16 of the California Code of Regulations.

Current Section 88.2 establishes the program measurements for courses offered in live presentation, group Internet-based programs (webcast), and self-study programs.

This proposal would specify how program providers must calculate hours for a course to qualify as ethics education described in Section 87(b). In addition, self-study programs requiring a test at the completion of the course must have a passing rate of 90 percent. This proposal also outlines how providers assign continuing education credit for ethics education purposes for those courses comprised of multiple subject areas.

11. Amend Section 89 of Title 16 of the California Code of Regulations.

Current Section 89 establishes the control and reporting requirements for continuing education earned by licensees.

This proposal would amend the minimum requirements for information disclosed on the certificate of completion. Specifically, the proposal would require that verification by a program provider representative, such as a signature or seal, be evidenced on certificates of completion. In addition, the proposal would make minor wording changes to update and improve the clarity and consistency of the Board's continuing education regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Insignificant

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting

business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulations 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 than the proposals described in this Notice.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, in underline and strikeout format to allow for comparison with existing regulations, and all of the information upon which the proposal is based may be ac-

cessed on the Board's Web site or obtained upon request from the Contact Person listed on the following page.

AVAILABILITY AND LOCATION OF DOCUMENTS

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the Contact Person named on the following page or by accessing the Board's Web site at www.dca.ca.gov/cba.

CONTACT PERSON

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

Name: Matthew Stanley
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815-3832

Telephone No.: (916) 561-1792
Fax No.: (916) 263-3678
E-mail Address: mstanley@cba.ca.gov

The backup contact person is:

Name: Dan Rich
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815-3832

Telephone No.: (916) 561-1713
Fax No.: (916) 561-3674
E-mail Address: drich@cba.ca.gov

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Title 22, California Code of Regulations Section 2601-1

DISABILITY INSURANCE DEFINITIONS

Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to amend California Code of Regu-

lations (CCR), title 22, section 2601–1 to establish definitions to clarify terms utilized in the Department’s State Disability Insurance (SDI) regulations, mitigate any potential misinterpretations of various terms, and to provide consistency with title 22, section 5000 of the CCR, as well as relevant Unemployment Insurance Codes, as the Disability Insurance (DI) Branch implements new technologies to enhance and improve the administration of the SDI program.

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

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The SDI program was established in 1946 to provide a partial wage replacement benefit to eligible workers in California who were unable to work due to a non-work related illness or injury. Senate Bill 1661 (Chapter 901, Statutes 2002) added the Family Temporary Disability Insurance (FTDI) benefit to the Unemployment Insurance (UI) Code. The FTDI benefit, otherwise known as Paid Family Leave (PFL), expanded the scope of the SDI program to provide a partial wage replacement benefit to eligible workers who take time off to care for a seriously ill child, spouse, parent, registered domestic partner, or to bond with a new child.

The DI Branch is developing and adopting new business automation processes and protocol through the efforts of the Disability Insurance Automation (DIA) project to simplify and improve various manual claim processes that exist under current business practices. The goal of the DIA project is to improve access to services, improve service delivery, enhance the DI Branch’s ability to detect and prevent fraud and abuse, align with Department information technology standards, and reduce costs.

The DIA project will develop a method to allow claimants, medical providers, employers, and voluntary plans to submit claim information through a secure electronic environment over the Internet. It will implement scanning/optical character recognition to convert any paper claims to electronic format. The DIA project will also adopt new technologies that will provide the DI Branch staff with more efficient tools to perform their duties and supplement current processes related to the administration of SDI benefits.

Under UI Code sections 305 and 306, the Department is authorized to adopt, amend, or repeal regulations for the administration of the functions of the Department. Under UI Code sections 2601, 2625, 2706 and 2708, SDI benefits are payable from the Disability Fund to individuals who file a claim for benefits in accordance

with authorized regulations and are eligible to receive such benefit payments.

The DIA project will change the DI Branch’s business practices and allow DI and PFL claimants, medical providers, employers, and voluntary plans to submit claims and claim information over the Internet. As a result of this anticipated change, certain terms such as “affidavit”, “copy”, “electronic means”, “form”, “mail”, “signature”, “statement on letterhead” and “writing” currently utilized in the Department’s regulations relating to DI benefits, contained in title 22 (commencing with section 2601–1) of the CCR, may create confusion in a new business environment that will include both hard-copy and electronic media. Thus, these terms must be properly defined.

The DIA project will also utilize technology to transmit SDI claim appeals electronically to the California Unemployment Insurance Appeals Board (CUIAB), the state body with the authority to consider appeals of determinations and assessments made by the Department. The terms “affidavit”, “mail”, “signature” and “writing” are currently defined in the regulations of the CUIAB, contained in title 22, section 5000 of the CCR. To provide consistency with the current protocol between the Department and the CUIAB for transmitting information related to appeals, petitions and board appeals, the Department proposes to adopt the substance of these specific CUIAB definitions for the SDI program.

Authority and Reference:

Authority: Sections 305, 306, and 2602, Unemployment Insurance Code. Reference: Sections 140.5, 2601, 2626, 2627, 2656, 2706.1, 2707.2 and 2708, Unemployment Insurance Code.

Fiscal Impact:

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

Anticipated costs or savings to any State Agency: None

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

Significant statewide adverse economic impact: The Department does not anticipate the proposed amendments will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The proposed amendments will clarify existing regulatory

language by including definitions that properly address the technological enhancements to the SDI program business practices with no adverse impact to individuals, medical providers, employers, or voluntary plans. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

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

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

Anticipated nondiscretionary costs or savings imposed upon local agencies: None

Small Business Impact:

The Department has determined that the proposed amendments will have no effect on small businesses because they do not impose any new mandates on small businesses. The proposed amendments do not require that small businesses take any action or refrain from taking any action in regards to conducting business.

Local Mandate Determination:

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

Consideration of Alternatives:

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

Written Comment Period:

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). **E-mail comments should include true name and mailing address of the commentor. Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than March 16, 2009, at 5 p.m.** Please submit any writ-

ten comments before that time. The Department cannot accept written comments after the close of the public comment period.

Contact Persons

Inquiries or comments should be directed to:

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

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

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

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

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

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

Name: Laura Colozzi, Legal Analyst
Telephone No.: (916) 654-7712

Internet Website Access

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

Public Hearing:

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on March 16, 2009.** A request for hearing can be made by contacting the persons noted above.

Modification of Proposed Action:

If the Department makes any additional changes based on public testimony, those changes (other than

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

Final Statement of Reasons:

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

Further Information:

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

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

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

ORD#0608-05

**NOTICE OF PROPOSED CHANGES IN
REGULATIONS OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ITEM#2 Asset Exclusion Changes and Earned Income Tax Credit (EITC) Outreach in CalWORKs Program

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held as follows:

March 18, 2009
Office Building # 8
744 P St., Room 0105
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 18, 2009.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures (MPP) Division 40 (Reception and Application), Chapter 40–100 (General), Section 42–107 (County Responsibility); Division 42 (Non–Linking Factors of Public Assistance Eligibility), Chapter 42–200 (Property), Section 42–213 (Property Items to Be Excluded in Evaluating Property Which May Be Retained); and Division 89 (Demonstration Projects APDP and CWPDP), Chapter 89–100 [Assistance Payment Demonstration Project (APDP) and California Work Pays Demonstration Project (CWPDP)], Section 89–130 (Restricted Accounts for Recipients).

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Current regulations provide that an Assistance Unit (AU) which includes a recipient shall be allowed to retain cash reserves totaling a maximum of \$5,000 in a restricted account at a financial institution. Current regulations direct county welfare departments to follow food stamp regulations pertaining to personal property and resources to be excluded from consideration when evaluating property limits. Assembly Bill (AB) 2466 (Chapter 781, Statutes of 2006) and AB 1078 (Chapter 622, Statutes of 2007) made changes to the asset exclusion rules for California Work Opportunity and Responsibility to Kids (CalWORKs) applicants and recipients. The intent of these bills is to promote savings and self-sufficiency in CalWORKs families. AB 2466 added three retirement account exemptions for CalWORKs recipients and inadvertently took away three retirement account exemptions for CalWORKs applicants. AB 2466 was never implemented because it harmed applicants. AB 1078 reinstated the three exemptions for applicants, added three more exemptions for recipients, removed the \$5,000 limit on restricted accounts for CalWORKs recipients, and increased Earned Income Tax Credit (EITC) outreach and education.

These regulations will establish the expansion of the CalWORKs asset exclusion rules as mandated by AB 2466 and AB 1078. Current CalWORKs recipients, therefore, are being disadvantaged until these regulations and procedures can be put in place.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None

3. Nondiscretionary Costs or Savings to Local Agencies: \$4,000 has been budgeted for AB 2466 and AB 1078 as reflected in the FY 2008/09 Budget.
4. Federal Funding to State Agencies: \$274,000 has been budgeted for AB 2466 and AB 1078 as reflected in the FY 2008/09 Budget.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government code.

**STATEMENT OF SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination 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.

**STATEMENT OF POTENTIAL COST IMPACT
ON PRIVATE PERSONS OR BUSINESSES**

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

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**ASSESSMENT OF JOB CREATION
OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11155.2, 11155.6 and 11322.5, Welfare and Institutions Code, as adopted or amended by AB 2466 (Chapter 781, Statutes of 2006), and AB 1078 (Chapter 622, Statutes of 2007).

**CDSS REPRESENTATIVE
REGARDING RULEMAKING PROCESS
OF THE PROPOSED REGULATION**

Contact Person: Sue Tognet (916) 657-2586
Backup: Sandra Ortega (916) 657-2586

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

ORD#1008-07

**NOTICE OF PROPOSED CHANGES IN
REGULATIONS OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ITEM#1 SB 39, Child Fatality Reporting and Disclosure Requirements

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held March 18, 2009, as follows:

March 18, 2009
Office Building 8
744 P St., Room 105
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessi-

ble to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 18, 2009.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures, Division 31 (Child Welfare Services Program), Chapter 31-000 (General Requirements), Section 31-002 (Definitions) and Section 31-003 (Definitions — Forms) and Chapter 31-500 (Special Requirements), Section 31-502 (Child Fatality Reporting and Disclosure Requirements)

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Currently, in the Manual of Policies and Procedures, Chapter 31–500 outlines in regulations, special requirements for child welfare services. The disclosure requirements for child fatalities resulting from abuse and/or neglect do not exist within Division 31. Section 31–502 is being adopted to include reporting and disclosure requirements at different instances of learning about the child fatalities and when a determination has been made that the fatality occurred as a result of abuse and/or neglect. Further, this section provides specific information that must be released within a child’s case record and the specified timeframes.

Senate Bill 39, Chapter 468, Statutes of 2007, requires child welfare agencies to notify the CDSS of any child fatality that results from abuse and/or neglect. Welfare and Institutions Code Section 10850.4 specifies pertinent information that must be released from a child’s case record per public request. This statute also stipulates that the CDSS will issue emergency regulations that adopt the reporting and disclosure requirements and procedures, which are to be implemented by January 1, 2009.

Section 31–002(c)(5) defines a child’s case record, which includes all information from emergency response services through permanent placement services. Additional information is included to update the definition of a child’s case record to capture both paper and electronic formatting and additional court documents, which are all inclusive of what exists within a child’s case record.

Section 31–002(r)(7) defines a risk assessment, which may be released pursuant to the addition of Welfare and Institutions Code Section 10850.4. The addition of this definition provides clarification on documents that must be released by the county child welfare agencies if they exist within a child’s case record.

Section 31–002(s)(1) defines a safety assessment, which may be released pursuant to the addition of Welfare and Institutions Code Section 10850.4. The addition of this definition provides clarification on documents that must be released by the county child welfare agencies if they exist within a child’s case record.

Section 31–003(s)(1) defines CDSS’ specific form that counties must use when reporting child fatalities to CDSS. The addition of this section provides counties with clarification regarding the most current form that is accepted by CDSS for purposes of child fatality reporting compliance.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any State agency or program.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

Although these regulations do impose a mandate on local county child welfare agencies to respond to public requests for information, this will not create any additional costs for the local county child welfare agencies.

At this time, the CDSS is responsible for compiling all of the data received from counties relating to child abuse and neglect cases that result in a fatality. This information is prepared annually for submission to the Federal Region IX office via the Annual Progress and Services Report. An additional report is now required in collaboration with the County Welfare Director’s Association (CWDA) due to the statute authorizing these regulations; however, the CDSS will not incur any additional costs as a result of these regulations.

**STATEMENT OF SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination 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.

**STATEMENT OF POTENTIAL COST IMPACT ON
PRIVATE PERSONS OR BUSINESSES**

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

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because

these regulations are only applicable to state and county agencies.

**ASSESSMENT OF JOB CREATION
OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Subject regulations implement and make specific Section 827, Welfare and Institutions Code; Penal Code Sections 11165.12, 11166, and 11169; 42 U.S.C. 5106 (The Child Abuse Prevention and Treatment Act); 45 CFR 1340.15(b), and Rule 5.552 of the California Rules of Court.

**CDSS REPRESENTATIVE
REGARDING RULEMAKING PROCESS
OF THE PROPOSED REGULATION**

Contact Person: Robin Garvey (916) 657-2586
Backup: Sandra Ortega (916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements concerning these regulations, the comments will be considered at public hearing in accordance with Government Code Section 11346.4.

GENERAL PUBLIC INTEREST

BOARD OF BEHAVIORAL SCIENCES

Notice of Proposed Regulatory Action

Change of Location for Public Hearing

The California Regulatory Notice Register dated January 2, 2009 (REG. 2009, #1-Z) indicated that the Board of Behavioral Sciences was proposing a regulation change that would amend 16 CCR Section 1888. This proposed rulemaking pertains to the revision of the Board's disciplinary guidelines.

The Board of Behavioral Sciences will conduct a public hearing on this proposed regulation on February 18, 2009, at a different location than stated in the original notice. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Tracy Rhine in this Notice, must be received by the board at its office not later than 5:00 p.m., on February 16, 2009 or must be received by the board at the hearing.

The new hearing location is:

1625 North Market Blvd., El Dorado Room
(N-220),
Sacramento, California 95834
The hearing will begin at 9:00 a.m.

For additional information, please contact:

Name: Tracy Rhine
Board: Board of Behavioral Sciences
Address: 1625 North Market Blvd., Suite S-200
Telephone No.: 916-547-7847
FAX No.: 916-574-8625
E-mail Address: Tracy_rhine@dca.ca.gov

BOARD OF BEHAVIORAL SCIENCES

Notice of Proposed Regulatory Action

Change of Location for Public Hearing

The California Regulatory Notice Register dated January 2, 2009 indicated that the Board of Behavioral Sciences was proposing a regulation change that would amend 16 CCR Sections 1815 and 1886.40. This proposed rulemaking pertains to the submission of fingerprints by Board licensees.

The Board of Behavioral Sciences will conduct a public hearing on this proposed regulation on February 18, 2009, at a different location than stated in the original notice. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Tracy Rhine in this Notice, must be received by the board at its office not later than 5:00 p.m., on February 16, 2009 or must be received by the board at the hearing.

The new hearing location is:

1625 North Market Blvd., El Dorado Room (N-220),
Sacramento, California 95834
The hearing will begin at 9:00 a.m.

For additional information, please contact:

Name: Tracy Rhine
Board: Board of Behavioral Sciences
Address: 1625 North Market Blvd., Suite S-200
Telephone No.: 916-547-7847
FAX No.: 916-574-8625
E-mail Address: Tracy_rhine@dca.ca.gov

**RULEMAKING PETITION
DECISION**

**DEPARTMENT OF MANAGED
HEALTH CARE**

ACTION: Notice of Decision on Petition to Rescind Regulations
SUBJECT: Petition by Michael Fitzgibbons, MD, requesting rescission of Language Assistance regulations, Section 1300.67.04 in Title 28, California Code of Regulations

PETITIONER

Doctor Michael Fitzgibbons' petition for rulemaking action (Petition) was received by the Department of Managed Health Care (Department) on December 23, 2008. Pursuant to the requirements of Government Code section 11340.7, the Department provides this response to the Petition.

CONTACT PERSON

Inquiries concerning this decision may be directed to Emilie Alvarez, Regulations Coordinator, Department

of Managed Health Care, Office of Legal Services, by mail at: 980 9th Street, Suite 500, Sacramento, CA 95814, by telephone at: (916) 322-6727, or by e-mail at: evalvarez@dmhc.ca.gov or regulations@dmhc.ca.gov.

AVAILABILITY OF PETITION

The petition for the rescission of regulations is available upon request directed to the Department's Contact Person.

AUTHORITY

Under authority established in the Knox-Keene Act¹, including but not limited to sections 1343, 1344 and 1346, the Department may adopt, amend and rescind regulations as necessary to carry out the provisions of the Act.

DETERMINATION ON THE PETITION

The Petition requests that the Department rescind regulations adopted to implement, clarify and make specific Section 1367.04 of the Health and Safety Code. Section 1367.04 of the Health and Safety Code required the Department to adopt regulations establishing requirements for health care service plan language assistance programs. The regulations were noticed and adopted by the Department pursuant to the Administrative Procedures Act, and were approved by the Office of Administrative Law on January 24, 2007. The regulations became effective on February 23, 2007.

Necessity: Government Code section 11342.2 establishes the necessity standard for rulemaking actions: ". . .no regulation adopted is valid or effective unless. . .reasonably necessary to effectuate the purpose of the statute [it is interpreting, making specific or otherwise carrying out.]" Section 1367.04 mandated adoption of these regulations. The request to rescind these regulations, which are required by statute, is not consistent with the legislative directive to the Department. The Department's explanation regarding the necessity for the specific provisions in the regulations is provided in the Initial Statement of Reasons and the Final Statement of Reasons. These documents are contained in the Department's public rulemaking file, Control No. 2004-0115, which is available to the public on request. The following paragraph regarding the necessity for these regulations is excerpted from the Final Statement of Reasons:

¹ Health and Safety Code section 1340 *et seq.* References herein to the "Act" are to the sections of the Knox-Keene Act.

SB 853 (2004) added Chapter 2.2, section 1367.04 of the Health and Safety Code (section 1367.04) expressly instructing the Department to develop and adopt regulations by January 1, 2006. The statute also contained specific requirements for the content of the regulations, including requirements that the regulations establish the standards and requirements for plans' provision of translation and interpretation services. Accordingly, the regulation establishes standards and requirements related to: assessing the linguistic needs of enrollees; arranging for and providing translation and interpretation services; training plan staff; and monitoring compliance with the regulation.

The Petition raises objections based on the expected costs to implement the regulations, and the perceived "impossibility" of providing translation services for the "over 100 languages in the world." Similar objections were previously submitted during the formal rulemaking process, and the Department's explanations are contained in the Initial Statement of Reasons, the Final Statement of reasons and the Department's responses to public comments. These documents are contained in the rulemaking file, Control No. 2004-0115, which is available to the public on request. With respect to the objections based on anticipated costs of implementation and compliance, the following paragraph regarding the rulemaking approach, consistent with the Administrative Procedures Act, to mitigate implementation and compliance costs, is excerpted from the Final Statement of Reasons:

Subsection (c) has been revised in response to public comments to generally provide improved regulation structure, to replace prescriptive standards with performance standards (reference Government Code section 11340.1), and to provide for necessary additional flexibility in consideration of variations in plan operations and networks, and the costs of compliance, as required by the statute.

With respect to the objections based on the number of languages into which plan documents must be translated, these objections reflect a misunderstanding regarding the number of languages into which documents must be translated. The statute, section 1367.04 of the Health and Safety Code, specifies a calculation to determine for each plan the number of languages into which vital documents must be translated. This statutory calculation is not modified by the regulations. In addition, the statute enumerates the scope of vital documents which must be translated. The regulations clarify, but do not modify, this statutory requirement.

Authority: The Department's discussion regarding statutory authority to adopt the Language Assistance regulations is set forth in the Notice of Rulemaking Action published with the proposed regulations. The Notice of Rulemaking Action is contained in the Department's public rulemaking file, Control No. 2004-0115, which is available to the public on request. The following paragraph regarding the Department's authority to adopt these regulations is excerpted from the Notice of Rulemaking Action:

California Health and Safety code sections 1344 and 1346 vest the Director with the power to administer and enforce the provisions of the Act. California Health and Safety Code section 1344 authorizes that the Director have the ability to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter, including rules governing applications and reports, and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of the Act. Furthermore, the Director may waive any requirement of any rule or form in situations where in the Director's discretion such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to this chapter. California Health and Safety Code sections 1346(a)(3)-(a)(4) vest in the Director the power to administer and enforce the Act, including but not limited to recommending and proposing the enactment of any legislation necessary to protect and promote the interests of plans, subscribers, enrollees, and the public.

For the reasons set forth above, the Department has determined not to initiate a rulemaking action to rescind the Language Assistance regulations as requested in the Petition. To do so would be in direct contravention of the statutory mandate set forth in Section 1367.04 of the Health and Safety Code.

Petitioner's interest in the Department's rulemaking process is appreciated.

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 indi-

cated. 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# 2008-1204-04
AIR RESOURCES BOARD
 Verification Procedures

This action amends ARB's existing regulatory structure governing "in-use" strategies to control emissions of particulate matter (PM) and oxides of nitrogen (NOx) from diesel-fueled diesel engines.

Title 13
 California Code of Regulations
 AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710
 Filed 01/20/2009
 Effective 02/19/2009
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2008-1204-02
BOARD OF EDUCATION
 Follow-Up Adoptions

Board of Education proposes adoption of section 9517.1 for follow-up adoptions of elementary-level instructional materials for California public schools, pursuant to Education Code sections 60200 and 60227. This action adopts procedures for conducting follow-up adoptions and sets a fee of \$5,000 per grade level for each publisher or manufacturer that participates in the follow-up adoption process. Procedures for requesting a reduction in fees for small publishers and manufacturers are also included in the regulation.

Title 5
 California Code of Regulations
 ADOPT: 9517.1
 Filed 01/20/2009
 Effective 02/19/2009
 Agency Contact: Connie Diaz (916) 319-0860

File# 2008-1210-02
DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT
 Conflict-of-Interest Code

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

Title 22
 California Code of Regulations
 AMEND: 101115
 Filed 01/15/2009
 Effective 02/14/2009
 Agency Contact:
 Jeannette Lehman (916) 341-4264

File# 2009-0108-01
DEPARTMENT OF FOOD AND AGRICULTURE
 Light Brown Apple Moth Interior Quarantine

The Department of Food and Agriculture is expanding two interior quarantine areas to prevent the spread of the Light Brown Apple Moth before it destroys California's wine and fruit industry. This particular rule-making merges three current quarantine areas into one giant area, and expands the quarantine area in the Pescadero area of San Mateo County.

Title 3
 California Code of Regulations
 AMEND: 3434(b)
 Filed 01/14/2009
 Effective 01/14/2009
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2008-1211-01
DEPARTMENT OF FOOD AND AGRICULTURE
 Grapevine Loss Assistance Program

This change without regulatory effect repeals provisions relating to the Grapevine Loss Assistance Program because the statutory authority for the program has expired.

Title 3
 California Code of Regulations
 REPEAL: 3664, 3665, 3666, 3667, 3668, 3669
 Filed 01/20/2009
 Agency Contact: Susan R. Ichiho (916) 654-1393

File# 2008-1217-01
DEPARTMENT OF FOOD AND AGRICULTURE
 False Codling Moth Eradication Area

This filing is a certificate of compliance for an emergency regulatory action which proclaimed the entire state of California an eradication area for the false codling moth (*Thaumatotibia leucotreta*) and lists the hosts and methods of eradication.

Title 3
 California Code of Regulations
 ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)
 Filed 01/21/2009
 Effective 01/21/2009
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2008-1217-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Eradication Area

This filing is a certificate of compliance for an emergency regulatory action which proclaimed the entire State of California as an eradication area for *Diaphorina citri* (Asian citrus psyllid) and specified hosts and possible carriers and the means or methods for eradication, control, or suppression.

Title 3
California Code of Regulations
ADOPT: 3591.21(a), 3591.21(b), 3591.21(c)
Filed 01/21/2009
Effective 01/21/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2008-1208-01
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Mobilehome Parks & Special Occupancy Parks Act

This regulatory action updates the existing regulations for mobilehome parks and special occupancy parks.

Title 25
California Code of Regulations
ADOPT: 1322, 1426, 2426
AMEND: 1000, 1002, 1004, 1005, 1006, 1018, 1020, 1020.1, 1020.6, 1032, 1183, 1210, 1211, 1212, 1216, 1312, 1320, 1333, 1429, 1432, 1438, 1468, 1474, 1504, 1612, 1752, 1756, 2002, 2004, 2005, 2006, 2018, 2183, 2210, 2211, 2212, 2216, 2312, 2327, 2429, 2438, 2474, 2504, 2612, 2752, 2756
Filed 01/21/2009
Effective 01/21/2009
Agency Contact: Ruth Ibarra (916) 327-2796

File# 2008-1201-02
MANAGED RISK MEDICAL INSURANCE BOARD
MRMIP Benefit and Cost Changes

This action updates the Major Risk Medical Insurance program to coordinate with changes in laws pertaining to domestic partners and conform with Health and Safety Code section 1367.3 regarding the need to offer benefits for comprehensive preventive health care for children.

Title 10
California Code of Regulations
AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301
Filed 01/14/2009
Effective 02/13/2009
Agency Contact: Dianne Knox (916) 324-0592

File# 2009-0105-01
MANAGED RISK MEDICAL INSURANCE BOARD
HFP Contributions for Vision and Dental Benefits

Sections 17, 18, and 19 of Assembly Bill 1183 (Chapter 758, Statutes of 2008) amended the statutes providing for the Healthy Families Program to increase monthly family contributions and to revise the vision and dental benefit structure. These statutory amendments provided that regulations adopted to implement these changes are deemed an emergency. This emergency regulatory action implements these statutory changes.

Title 10
California Code of Regulations
AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809
Filed 01/15/2009
Effective 01/15/2009
Agency Contact: Dianne Knox (916) 324-0592

File# 2008-1218-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Replace Graphics

This change without regulatory effect replaces graphic illustrations of the Walton-Beckett Gaticule to improve the quality of the illustrations.

Title 8
California Code of Regulations
AMEND: Appendix B following sections 1529, 5208, 8358
Filed 01/20/2009
Agency Contact: Marley Hart (916) 274-5721

File# 2009-0102-02
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Uses Permitted

The Occupational Safety and Health Standards Board is amending section 2500.7, title 8, California Code of Regulations, pertaining to flexible cords and cables. The amendment corrects an internal cross-reference.

Title 8
 California Code of Regulations
 AMEND: 2500.7
 Filed 01/15/2009
 Effective 01/15/2009
 Agency Contact: Marley Hart (916) 274-5721

File# 2008-1204-01
 OFFICE OF ADMINISTRATIVE LAW
 Editorial Correction to Title 1, CCR Section 260
 This is a nonsubstantive action making an editorial correction to a duplicate word.

Title 1
 California Code of Regulations
 AMEND: 260
 Filed 01/20/2009
 Agency Contact:
 Margaret L. Molina (916) 324-6044

File# 2008-1231-03
 OFFICE OF ADMINISTRATIVE LAW
 Revision to Std. Form 400
 The Office of Administrative Law is amending Appendix A, OAL Std. 400 Form, Title 1, California Code of Regulations. A small box marked "For Use by the Office of Administrative Law (OAL) only" is being added in order to comply with the endorsement requirement found in Government Code Section 11343.1.

Title 1
 California Code of Regulations
 AMEND: Appendix A, Std. Form 400
 Filed 01/20/2009
 Effective 01/20/2009
 Agency Contact: Melvin B. Fong (916) 324-7952

File# 2008-1205-02
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998; ORG Program Amendments
 This action amends regulations of the school facilities program, particularly the overcrowding relief grant program, to specify grant application requirements and make funds separately available for site acquisition through condemnation based upon financial hardship.

Title 2
 California Code of Regulations
 ADOPT: 1859.184.1
 AMEND: 1859.2, 1859.103, 1859.184
 Filed 01/21/2009
 Effective 01/21/2009
 Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN August 20, 2008 TO
 January 21, 2009**

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

- Title 1**
 01/20/09 AMEND: 260
 01/20/09 AMEND: Appendix A, Std. Form 400
- Title 2**
 01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184
 01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128
 01/08/09 ADOPT: 18420.1
 01/08/09 ADOPT: 18944.3 AMEND: 18944.1
 12/30/08 AMEND: 714
 12/29/08 ADOPT: 2298
 12/15/08 AMEND: 17463, 17470, 17519
 12/09/08 ADOPT: 25100
 12/08/08 AMEND: 1700
 11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21
 10/31/08 AMEND: 18545, 18703.4, 18730, 18940.2, 18942.1, 18943
 10/31/08 ADOPT: 18402.1 AMEND: 18427
 10/22/08 ADOPT: 59600
 10/21/08 ADOPT: 1859.41.1, 1859.42.1 AMEND: 1859.2, 1859.41, 1859.42, 1859.43, 1859.51, 1859.147, Form SAB 50-01, Form SAB 50-03
 10/20/08 ADOPT: 20120, 20121, 20122, 20123, 20124, 20125, 20126, 20127
 09/04/08 ADOPT: 18530.45
 09/04/08 AMEND: 18946.4
- Title 3**
 01/21/09 ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)
 01/21/09 ADOPT: 3591.21(a), 3591.21(b), 3591.21(c)
 01/20/09 REPEAL: 3664, 3665, 3666, 3667, 3668, 3669
 01/14/09 AMEND: 3434(b)

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01/13/09 AMEND: 3434(b)
 01/12/09 AMEND: 3589(a)
 12/30/08 AMEND: 3417(b)
 12/18/08 AMEND: 3417(b)
 12/18/08 AMEND: 3406(b)
 12/16/08 AMEND: 1358(b)
 12/12/08 AMEND: 3434(b)
 12/10/08 AMEND: 3589
 12/04/08 AMEND: 3435(b)
 11/26/08 AMEND: 3406(b)
 11/20/08 ADOPT: 6400
 11/12/08 AMEND: 3591.5(a)
 11/12/08 AMEND: 3434(b)
 11/07/08 AMEND: 3433(b)
 10/30/08 ADOPT: 1430.142 AMEND: 1430.43
 REPEAL: 1430.44.5
 10/29/08 AMEND: 3435(b)
 10/28/08 ADOPT: 3408
 10/22/08 AMEND: 3700(c)
 10/20/08 AMEND: 3433(b)
 10/20/08 AMEND: 3434(b)
 10/17/08 AMEND: 3423(b)
 10/15/08 AMEND: 3433(b)
 10/14/08 AMEND: 3434(b)
 10/14/08 AMEND: 3423(b)
 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)

Title 4

01/13/09 ADOPT: 4027, 4027.1, 4027.2, 4027.3,
 4027.4, 4027.5
 12/29/08 AMEND: 12482
 11/24/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3,
 8102.4, 8102.5, 8102.6, 8102.7, 8102.8,
 8102.9, 8102.10, 8102.11, 8102.12,
 8102.13, 8102.14, 8102.15 AMEND:
 8090, 8091, 8092, 8093, 8094, 8095,
 8096, 8097, 8098, 8099, 8100, 8101
 11/17/08 AMEND: 1505
 10/30/08 AMEND: 1606
 10/16/08 ADOPT: 12047, 12048, 12050, 12348
 AMEND: 12002

10/03/08 ADOPT: 12008 AMEND: 12122,
 12200.14, 12200.20, 12202, 12203A,
 12203.2, 12205.1, 12218.13, 12220.14,
 12220.20, 12220.20A, 12222, 12237,
 12301, 12342, 12343, 12344, 12345
 09/29/08 AMEND: 1843.2
 09/02/08 AMEND: 1850
 08/25/08 ADOPT: 8102, 8102.1, 8102.2, 8102.3,
 8102.4, 8102.5, 8102.6, 8102.7, 8102.8,
 8102.9, 8102.10, 8102.11, 8102.12,
 8102.13, 8102.14, 8102.15 AMEND:
 8090, 8091, 8092, 8093, 8094, 8095,
 8096, 8097, 8098, 8099, 8100, 8101
 08/21/08 ADOPT: 1634 AMEND: 1420

Title 5

01/20/09 ADOPT: 9517.1
 01/05/09 AMEND: 80004
 12/09/08 ADOPT: 18131.1 AMEND: 18131
 11/06/08 AMEND: 42723
 10/17/08 ADOPT: 100000, 100001, 100002,
 100003, 100004, 100005, 100006,
 100007, 100008, 100009, 100010,
 100011, 100012, 100013, 100014,
 100015
 10/14/08 ADOPT: 42729
 09/10/08 AMEND: 41000
 09/09/08 ADOPT: 19828.3, 19837.2 AMEND:
 19816, 19816.1, 19828.2, 19837.1,
 19846

Title 8

01/20/09 AMEND: Appendix B following
 sections 1529, 5208, 8358
 01/15/09 AMEND: 2500.7
 01/13/09 ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5,
 41.5, 41.6, 41.7, 63, 120, 121, 122, 123,
 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14,
 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5,
 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40,
 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4,
 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57,
 60, 61, 62, 65, 100, 102, 103, 104, 105,
 106, 107, 108, 109, 110, 111, 112, 113,
 116, 117, 118, 119, 150, 151, 152, 153,
 154, 155, 156, 157, 158, 159 REPEAL:
 10.5, 32.5, 37, 53, 70, 71, 72, 73, 74, 75,
 76, 76.5, 77, 101, 114, 115
 12/22/08 ADOPT: 16404, 16430, 16435.5
 AMEND: 16421, 16422, 16423, 16424,
 16425, 16426, 16427, 16428, 16429,
 16431, 16432, 16434, 16435, 16436,
 16437, 16439
 12/02/08 AMEND: 2940.6, Appendix C
 12/01/08 AMEND: 5198(f)(2)(A)

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11/19/08	AMEND: 1658(p)	09/17/08	AMEND: 1512
11/17/08	ADOPT: 10116, 10116.1, 10116.2, 10116.3, 10116.5, 10116.6, 10116.7, 10116.8 AMEND: 10123.1 renumbered to 10116.4, 10001 renumbered to 10116.9, 10002 renumbered to 10117, 10003 renumbered to 10118, 10004 renumbered to 10119, 10005 renumbered to 10120, 10123, 10127, 10127.1, 10128, 10133.13, 10133.14, 10133.16, 10133.22, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58 REPEAL: 10133.3, 10133.50	08/26/08	AMEND: 5168, 6775
11/17/08	ADOPT: 10210, 10211, 10212, 10213, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10227, 10228, 10229, 10230, 10232, 10232.1, 10232.2, 10233, 10236, 10240, 10241, 10243, 10244, 10245, 10246, 10250, 10250.1, 10251, 10253, 10253.1, 10254, 10256, 10260, 10270, 10271, 10272, 10273, 10275, 10280, 10281, 10290, 10291, 10293, 10294, 10294.5, 10295, 10296, 10297 AMEND: 10252, 10252.1 REPEAL: 10250	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
11/17/08	ADOPT: 10150.1, 10150.2, 10150.3, 10150.4, 10151, 10151.1, 10166.1 AMEND: 10150, 10160, 10160.1, 10160.5, 10161, 10161.1, 10162, 10164, 10165, 10166, 10167 REPEAL: 10168	Title 9	
11/17/08	ADOPT: 10397, 10403, 10409, 10508, 10550, 10593, 10603, 10629, 10770.5, 10770.6, 10782, 10785, 10844, 10845 AMEND: 10301, 10302, 10324, 10346, 10400, 10410, 10411, 10412, 10450, 10500, 10505, 10507, 10510, 10541, 10561, 10589, 10608, 10616, 10626, 10750, 10751, 10753, 10754, 10755, 10770, 10779, 10840, 10842, 10843, 10846, 10848, 10850, 10860, 10865, 10866, 10946, 10950, 10953 REPEAL: 10306, 10308, 10347, 10390, 10391, 10392, 10395, 10396, 10414, 10415, 10416, 10417, 10514, 10520, 10548, 10555, 10563, 10590, 10591, 10592, 10610, 10630, 10758, 10762, 10771, 10867, 10890, 10952, 10955, 10957, 10995, 10996	01/07/09	AMEND: 7400
11/12/08	AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611	11/18/08	ADOPT: 9550
11/06/08	AMEND: 2540.8, 2540.9, 2548.23, 2719, 2740, 2741, 2880, 2980	Title 10	
10/01/08	AMEND: 3412, 3413, 3414, 3416	01/15/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809
09/23/08	AMEND: 5155	01/14/09	AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301
09/22/08	ADOPT: 1530.1	01/12/09	AMEND: 2498.5
		12/31/08	ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55
		12/02/08	AMEND: 2652.1
		11/12/08	AMEND: 2498.4.9
		11/12/08	AMEND: 2498.4.9
		11/07/08	AMEND: 2498.5
		11/03/08	AMEND: 2498.5
		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
		Title 11	
		12/31/08	AMEND: 1005(d)
		12/02/08	AMEND: 1005, 1007, 1008
		11/07/08	AMEND: 1005, 1081
		10/27/08	AMEND: 1005, 1007, 1008, 1052
		10/16/08	AMEND: 1081
		10/14/08	AMEND: 1005
		10/02/08	AMEND: 1003, 9040, 9041, 9073(b)
		10/02/08	AMEND: 1081
		09/23/08	ADOPT: 44.3
		Title 12	
		01/12/09	AMEND: 503
		Title 13	
		01/20/09	AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710
		12/22/08	AMEND: 553.70
		12/05/08	AMEND: 110.04
		12/01/08	AMEND: 1956.8
		11/24/08	ADOPT: 2027
		11/03/08	AMEND: 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22

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10/20/08	ADOPT: 346.00, 346.02, 346.04, 346.06, 346.08, 346.10, 346.12, 346.14, 346.16	12/11/08	AMEND: Division 5, Appendix M
10/07/08	AMEND: 935	12/10/08	ADOPT: 120.1, 120.2 AMEND: 120, 120.3 REPEAL: 120.01
10/02/08	AMEND: 423.00	11/26/08	AMEND: 1257
10/02/08	AMEND: 15.00, 15.03	11/24/08	AMEND: 749.3
09/08/08	AMEND: 2449	11/13/08	ADOPT: 18660.40
08/29/08	ADOPT: 2660(a)(0.5), 2260(a)(0.7), 2260(a)(6.9), 2260(a)(7.5), 2260(a)(8.5), 2260(a)(10.5), 2260(a)(10.7), 2260(a)(19.7), 2260(a)(19.8), 2260(a)(23.5), 2260(a)(23.7), 2260(a)(37), 2260(a)(38), 2260(a)(39), 2262.3(d), 2264.2(a)(3), 2264.2(b)(5), 2264.2(d), 2265(c)(4), 2265.1, 2265.5, 2266(b)(3), 2266(b)(4), 2266(b)(5) AMEND: 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265, 2266, 2266.5, 2270, 2271, 2273	11/07/08	AMEND: 895.1, 919.9, 939.9
Title 13, 17		11/07/08	AMEND: 1038(i)
12/03/08	AMEND: 2299.3, 93118.3	11/07/08	AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963
10/20/08	ADOPT: 2299.5, 93118.5	10/30/08	AMEND: 29.85
Title 14		10/23/08	AMEND: 163, 164
01/13/09	AMEND: 300	10/22/08	AMEND: 1052.4
01/12/09	ADOPT: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07, 4970.07.1, 4970.07.2, 4970.08, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.12, 4970.13, 4970.14, 4970.14.1, 4970.14.2, 4970.14.3, 4970.15, 4970.15.1, 4970.15.2, 4970.15.3, 4970.15.4, 4970.16, 4970.17, 4970.18, 4970.19, 4970.19.1, 4970.19.2, 4970.19.3, 4970.19.4, 4970.19.5, 4970.19.6, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24, 4970.25.1, 4970.25.2, 4970.25.3, 4970.26 REPEAL: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72	10/21/08	AMEND: 15387 Appendix C
12/31/08	AMEND: 957 REPEAL: 957.11, 957.12	10/09/08	AMEND: 791, 791.7, 795
12/29/08	AMEND: 243, 245 REPEAL: 241	09/22/08	AMEND: 4900 REPEAL: 4901, 4902, 4903, 4904
12/17/08	ADOPT: 1032 AMEND: 895, 895.1, 929.1, 949.1, 969.1, 1032.7, 1032.9, 1037.3, 1054.5, 1055.3, 1056.3, 1090.1, 1090.2, 1090.4, 1090.6, 1090.17, 1092.03, 1092.04, 1092.06, 1092.18, 1104.3 REPEAL: 1032	09/15/08	AMEND: 502
		09/11/08	AMEND: 10310, 10360, 10810, 10820, Appendix D, Appendix F
		09/09/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5, 17987.6
		09/04/08	AMEND: 670.2
		08/27/08	AMEND: 300
		08/25/08	ADOPT: 27.32 AMEND: 27.20(f), 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58
		Title 15	
		12/19/08	REPEAL: 4826, 4985
		12/16/08	ADOPT: 3099
		12/15/08	ADOPT: 3334 AMEND: 3000
		12/11/08	AMEND: 3323
		12/09/08	AMEND: 3000, 3001, 3041.3, 3075.3, 3294.5, 3356, 3369.5, 3370, 3376.1, 3382, 3383, 3393, 3401, 3402, 3405, 3406, 3407, 3408, 3410, 3411, 3414, 3430, 3432, 3433
		11/26/08	ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
		10/30/08	AMEND: 3000, 3375, 3376.1, 3379
		10/28/08	ADOPT: 3999.7
		10/23/08	ADOPT: 1417 AMEND: 1029, 1206, 1248, 1357, 1358, 1461
		10/15/08	ADOPT: 3999.6
		09/15/08	ADOPT: 3269
		09/03/08	AMEND: 2253

08/29/08 AMEND: 3000, 3261.1, 3261.2, 3261.4, 3261.5, 3261.7, 3267

Title 16

01/09/09 ADOPT: 2504.1, 2517.5, 2564.1, 2575.5
AMEND: 2537, 2540.6, 2590, 2592.6

12/30/08 AMEND: 1387

12/18/08 AMEND: 3340.28, 3340.29

12/17/08 AMEND: 4170

12/11/08 AMEND: 1336

12/09/08 AMEND: 1399.25 REPEAL: 1399.26

11/24/08 AMEND: 1419, 1419.1, 1419.3

10/30/08 AMEND: 1399.571

10/17/08 ADOPT: 1399.610, 1399.612 AMEND: 1399.502

10/07/08 AMEND: 832.47

10/02/08 AMEND: 3351.2

09/29/08 AMEND: 2522, 2524, 2579, 2579.10
REPEAL: 2522.5, 2579.1

09/22/08 AMEND: 4154, 4155

09/19/08 AMEND: 11.5, 12, 12.5, 37, 87.1

09/10/08 ADOPT: 1028.2, 1028.3, 1028.4, 1028.5
AMEND: 1021

08/27/08 AMEND: 2250 REPEAL: 2274, 2277

08/25/08 AMEND: 1399.480, 1399.481, 1399.482, 1399.483, 1399.484, 1399.485, 1399.486, 1399.487, 1399.488, 1399.489, 1399.489.1

Title 17

12/30/08 AMEND: 30195.1

12/26/08 ADOPT: 100501

12/02/08 ADOPT: 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115, 95125, 95130, 95131, 95132, 95133

10/30/08 AMEND: 100407, 100408

09/24/08 AMEND: 52082, 56103, 56104, 58670

09/18/08 ADOPT: 94800, 94801, 94802, 94803, 94804, 94805, 94806, 94807, 94808, 94809, 94810

09/05/08 ADOPT: 98100 REPEAL: 96100

Title 18

01/02/09 AMEND: 1702.5

12/01/08 AMEND: 1602.5

11/14/08 AMEND: 1591, 1602

09/24/08 AMEND: 1574

09/24/08 AMEND: 1599

Title 19

11/14/08 AMEND: 2900, 2910, 2915, 2920, 2930, 2940, 2945, 2950, 2955, 2960, 2965, 2966, 2970, 2980

09/24/08 AMEND: 560

09/24/08 AMEND: 906.3

Title 21

11/26/08 AMEND: 6633.2

Title 22

01/15/09 AMEND: 101115

01/06/09 AMEND: 66270.60, 67450.30

12/09/08 AMEND: 51521

12/09/08 AMEND: 100031, 100032, 100033, 100034, 100035, 100036, 100037, 100038, 100039, 100040, 100042, 100043 REPEAL: 100041

11/24/08 AMEND: 2706-1

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11/13/08 ADOPT: 97234, 97267 AMEND: 97215, 97225, 97226, 97227, 97241, 97244, 97248

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10/29/08 AMEND: 64413.1, 64414, 64431, 64432, 64432.2, 64432.8, 64433.3, 64445.1, 64447.2, 64482

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