



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, 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**

STATE: California State Library

A written comment period has been established commencing on **February 12, 2010**, and closing on **March 29, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 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 Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **March 29, 2010**. 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 Cynthia Fisher, 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 re-

spective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 10. DEPARTMENT OF INSURANCE**

**STATE OF CALIFORNIA  
DEPARTMENT OF INSURANCE  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105**

**NOTICE OF PROPOSED ACTION**

**REGULATION FILE: REG-2009-00021**

**SUBJECT OF PROPOSED RULEMAKING**

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to California Code of Regulations, Title 10, Chapter 5, Subchapter 3, Article 1.3, Sections 2278.50 through 2278.59 (Standards for Approval of Insurer Names.) The regulations set forth the standards used by the Commissioner for the review and approval of names of those entities that are required to obtain name approval pursuant to California Insurance Code Section 742.42, Sections 881 through 886 and Sections 10970, 12162, and 12743.

**PUBLIC HEARING**

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

**Date:** Tuesday, April 20, 2010

**Time:** 10:00 a.m.

**Location:** California Department of Insurance  
Administrative Hearing Room  
45 Fremont Street, 22nd Floor  
San Francisco, CA 94105

The hearing will continue on the date noted above until the earlier of 4:00 p.m. or the time when all testimony has been submitted.

**PRESENTATION OF WRITTEN  
COMMENTS; CONTACT PERSONS**

All persons are invited to submit written comments on the proposed regulations during the public comment

period. The public comment period will end at 5:00 p.m. on April 20, 2010. Please direct all written comments to the following contact person:

Harry J. LeVine  
Senior Staff Counsel  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
(415) 538-4109  
levineh@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If Mr. LeVine is unavailable, inquiries may be addressed to either of the following backup contact persons:

Pretrice Curry-Bassett  
Senior Legal Analyst  
California Department of Insurance  
45 Fremont Street, 24<sup>th</sup> Floor  
San Francisco, CA 94105  
(415) 538-4818  
curry-bossettp@insurance.ca.gov

**DEADLINE FOR WRITTEN COMMENTS**

All written materials must be received by the Insurance Commissioner, addressed to the contact persons at the addresses specified above, no later than 5:00 p.m. on April 20, 2010. Any written materials received after that time may not be considered.

**COMMENTS TRANSMITTED BY  
E-MAIL OR FACSIMILE**

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: levineh@insurance.ca.gov. Comments that are submitted in a pdf format should also be submitted in a Word format.

The Commissioner will also accept written comments transmitted by facsimile if they are directed to the attention of Harry J. LeVine and sent to the following number: (415) 904-5490.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

**AUTHORITY AND REFERENCE**

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code Section 742.42, Sections 881 through 886, Section

10970, Section 12162, Section 12389, and Section 12743. Insurance Code Sections 700, 720, and 790.10 provide the authority for this rulemaking, as do the following decisions of the California Supreme Court: *CalFarm Ins. Co. v. Deukmejian*, (1989) 48 Ca1.3d 805, and *20th Century Ins. Co. v. Garamendi*, (1944) 8 Cal. 4th 216.

## INFORMATIVE DIGEST

### Summary of Existing Law and Policy Statement Overview

Pursuant to Insurance Code Sections 881 *et seq.*, every insurer, attorney in fact, motor club, underwritten title company, home protection company, fraternal benefit society, insurers issuing an underwriters policy, and multiple employers welfare arrangement that conducts business in California must obtain approval of a name from the Insurance Commissioner before using the name in California. Insurance Code Sections 881 *et seq.* provide, among other things, that the Commissioner may reject the use of a proposed name when the name would be an interference with, or too similar to a name that is already appropriated or when it is likely to mislead the public in any respect.

The Commissioner currently reviews name requests and name reservation requests on a case by case basis, applying concepts derived from years of experience in handling such requests, responding to objections to name requests, and attempting to assure clarity for the public so that an approved name is not likely to mislead the public in any respect, is not too similar to another name, and is not an interference with another name. Over time, the Commissioner has determined that certain words may in most circumstances be likely to mislead the public to believe that an insurer is performing a function other than as an insurer, or has an affiliation that it does not in fact have. Similarly, the Commissioner has generally required insurers to use names that indicate the type of insurance products for which they have a certificate of authority and may offer to the public (e.g., life insurance, title insurance) and conversely, which prohibit insurers from using names that would be likely to mislead the public to believe that the insurer offers a product that it does not in fact offer. The Commissioner has not permitted insurers to use certain words that are generally prohibited from use by statute. Based on his experience, the Commissioner has developed principles set forth in these regulations for name approval which generally prevent the use of names that imply an affiliation with other entities (governmental or private) that does not in fact exist, or which interfere with or are too similar to the names of other companies. The Commissioner has also developed principles set forth in these regulations to avoid name confusion and

to protect the public from being misled as to similar names that are used by affiliated companies. The foregoing principles include such matters as prohibiting words or phrases that imply affiliation, sponsorship or other relationship with an unrelated entity, whether or not the an affected entity permits or objects to the use. Words or phrases that sound like, appear like or are otherwise similar in nature, appearance or sound to words in the name of an unrelated entity will generally be likely to mislead the public (or may interfere with or be too similar to other names.) In the case of affiliated entities, the public is not as likely to be misled by the names of such entities, and accordingly, greater leeway may be permitted.

The Commissioner proposes adopting as regulations the principles that have been developed from the case by case review of name approval requests. Adopting regulations will provide guidance to the industry and the public and in so doing, may reduce the number of name approval application rejections and modifications.

The Commissioner's procedures for name approval have required the submission of materials that are necessary for the Commissioner to fully evaluate whether a proposed name would be an interference with, or too similar to a name that is already appropriated or whether it is likely to mislead the public in any respect. The Commissioner currently has name reservation processes that are specified in form letters that are sent to applicants. The provisions of those form letters are set forth in these regulations in order to provide guidance to persons considering seeking name approval. The procedures include the submission of information regarding an applicant's organizational structure, affiliates, lines of business, applications pending with the Commissioner, and other necessary information.

These regulations will provide consistent guidance to insurers regarding general circumstances when the Commissioner will consider a proposed name to be violative of Insurance Code Section 881 as being an interference with or too similar to a name that is either already in use, reserved, or applied for, or when a proposed name is likely to mislead the public.

### Effect of Proposed Action

The proposed regulations accomplish the following functions.

- The regulations specify the materials that must be submitted for a name approval application and in the case of a name change, the regulations specify that the applicant must indicate the reasons for the proposed change. Applicants may use an optional form specified by the Commissioner for this purpose, which is set forth in these regulations. Basic information about the applicant

is required, including information about its position in a holding company or other organizational structure, and the business that it transacts or will transact. The regulations also require the applicant to identify applications and filings that are pending with the Commissioner (excluding dividend applications and property/casualty rate filings and applications.) Applicants to whom California Code of Regulations, Title 10, Chapter 5, Subchapter 3, Article 1, Section 2303.15(q) applies must submit the commitment specified in Section 2303.15(r) regarding compliance with Section 2303.15(q).

- The regulations specify words and phrases that may not be used in names because they are either prohibited by statutes or their use is likely to mislead the public.
- The regulations specify words and phrases that must be used in certain circumstances. Generally, they require that an insurer or other entity name must accurately identify the type of company that the applicant is and must accurately identify the type of business that it will transact. For examples, insurers must include one of the words “Assurance,” “Casualty,” “Indemnity,” or “Insurance” in the name, life insurers must include the word “life,” underwritten title companies must include the word “title,” and motor clubs must include one of the words “motor,” “auto,” or “automobile.”
- The regulations specify circumstances under which a proposed name will not be approved because it either would be an interference with or too similar to a name that is already appropriated or when it is likely to mislead the public. These include names that would lead the public to believe that the applicant offers a type of insurance that it does not offer, names that imply that the applicant began conducting business prior to other insurers, names that include a state or jurisdiction other than the applicant’s domicile, names that imply governmental affiliation, names that imply affiliation with a financial institution and names that could be interpreted as implying that the applicant is an insurance producer (i.e., agent or broker.) The regulations prohibit a name that is too similar to or an interference with the name of another, unaffiliated entity, either because of its the appearance, pronunciation, or appearance of its words, the use of words that are used by unaffiliated Licensees and which are uncommon words, re-coined words, or words not typically used in the name of a Licensee. The regulations prohibit the use of a name that is too similar to the

name of a well-known entity that is not an Affiliate, or is too similar to the name of a Licensee that is not an Affiliate. The regulations prohibit the use of a name that is the same as that of another Licensee, except for the order of the words. Because the Commissioner cannot anticipate every circumstance under which a proposed name may be too similar to or an interference with the name of another business, entity or Licensee, or when a name will be likely to mislead the public, the regulations reserve the Commissioner’s discretion to make a determination as to a proposed name on a case by case basis whether a name is too similar, an interference, or likely to mislead the public.

- The regulations specify circumstances when a proposed name will not be considered to be too similar to, or an interference with, the name of an affiliate if it is not likely to mislead the public. The regulations require the affiliate to provide its written consent to the use of the name by the applicant, and the regulations require a commitment from both the applicant and the affiliate that the similarity of their names will not be used as a defense or reason to avoid payment of a claim.
- The regulations specify that a foreign or alien insurer that has an approved operating name may only use the approved operating name in California. The regulation also specifies, by examples, materials on which only the approved operating name may be used.
- The regulations specify that the Commissioner retains discretion to approve or disapprove name applications on a case by case basis to assure that the proposed name will not be an interference with or too similar to a name that is either already in use, applied for, or reserved, and to approve an application that will not be likely to mislead the public.

#### **MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

#### **COST OR SAVINGS TO STATE/LOCAL AGENCIES OR SCHOOL DISTRICTS OR IN FEDERAL FUNDING**

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state

agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

#### ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

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

#### POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations. The Commissioner has made an initial determination that the proposed regulations will not have a significant cost impact on private persons or business entities. It may be possible for insurers and other entities that apply for name approval to experience a small cost savings if the applicant files fewer name approval applications as a result of having greater guidance resulting from the adoption of the regulations.

#### EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state. The Commissioner estimates that the proposed regulations will not have any impact on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state. Interested parties are invited to comment on this issue.

#### FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

#### IMPACT ON HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

#### ALTERNATIVES

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

#### IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations will affect small businesses other than insurance companies (including for example, underwritten title companies). Insurance companies, which will be affected by the regulations, are by definition not small businesses pursuant to Paragraph (b)(2) of Government Code section 11342.610.

#### COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

#### TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared the text of the regulations and an initial Statement of Reasons that sets forth the reasons for the proposed regulations. Upon request, the proposed text of the regulations and the Initial Statement of Reasons will be made available for inspection and copying. Requests for the proposed regulation text and the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulation text, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including this informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find at the righthand side of the page the heading "QUICK LINKS." The third item in this column under this heading is "For Insurers"; on the drop-down menu for this item, select "Legal Information." When the 'INSURERS: LEGAL INFORMATION' screen appears, click the third item in the list of bulleted items near the top of the page titled "Proposed Regulations." A screen titled "INSURERS: PROPOSED REGULATIONS" will be displayed. Select the only available link, titled "Search for Proposed Regulations." Then, when the "Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To browse, click on the 'Currently Proposed Regulations' link. A list of the names of regulations for which documents are posted will appear. In the list, find the link for Standards For Approval of Insurer Names and click it. Links to the documents associated with these regulations will then be displayed.

To search, enter REG 2009-00021 (the Department's file number for these regulations) in the search field. Alternatively, search by using the California Insurance Code section number that the regulations implement, i.e. section 881, or the name of these regulations, "Standards For Approval of Insurer Names." Or, you can search by using a keyword. After typing the search term, click on the "Submit" button to display links to the various filing documents.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

**TITLE 10. CALIFORNIA DEPARTMENT OF REAL ESTATE**

NOTICE IS HEREBY GIVEN

The Commissioner (Commissioner) of the Department of Real Estate (Department) proposes to adopt rules entitled, "Secure and Fair Enforcement of Mortgage Licensing Act", commonly known as the SAFE Act. The proposed regulatory action clarifies the application of Business and Professions Code Sections 10150, 10151, and 10166.01 through 10166.17. In this rulemaking action the Commissioner proposes to amend Article 7 (Title, amendment of Section 2750, adoption of Section 2756), to adopt Article 7.5 (Sections 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, and 2758.7), to amend Article 18.5, Section 2911, and to adopt Article 18.9 (Sections 2945.1, 2945.2, and 2945.3) to Chapter 6, Title 10 of the California Code of Regulations.

PUBLIC COMMENTS

The Commissioner or his representative will hold a public hearing on March 29, 2010, starting at 9:30 a.m., at the Department of Real Estate Examination Room, located at 2200 X Street, Suite 120B, Sacramento, California. The Examination Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony to the Commissioner.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commissioner addressed as follows:

Regular Mail

Department of Real Estate  
Attn: Daniel E. Kehew, Sacramento Legal Office  
2201 Broadway  
Sacramento, CA 95818

Electronic Mail

DRERegulations@dre.ca.gov

Facsimile

(916) 227-9458

Comments may be submitted until 5:00 p.m., March 29, 2010. If the final day for the acceptance of com-

ments is a Saturday, Sunday, or state holiday, the comment period will close at 5:00 p.m. on the next business day.

INFORMATIVE DIGEST/PLAIN ENGLISH  
OVERVIEW

The national Secure and Fair Enforcement of Mortgage Licensing (SAFE) Act, passed into law in 2008, requires all states to license and register their mortgage loan originators, as defined in the Act, through a nationwide organization called the Nationwide Mortgage Licensing System and Registry (NMLSR). The Legislature and the Governor, with support from the real estate industry, enacted SB 36 (Calderon, Ch. 160, Stats. 2009) to comply with the national SAFE Act.

Under California law, licensed real estate salespersons and licensed real estate brokers were empowered to engage in activities that are defined in the SAFE Act as mortgage loan origination. Real estate licenses may be issued to individuals or to corporations. SB 36 requires these already-licensed individuals and corporations to obtain special mortgage loan originator license endorsements in order to continue engaging in mortgage loan origination.

SB 36 defines the term “mortgage loan originator” as (generally) one who takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan for compensation or gain. Administrative and/or clerical employees are not included within the definition, nor are real estate brokers who do not broker mortgages.

Under SB 36, licensed real estate salespersons and brokers who wish to continue engaging in mortgage loan origination activities must undergo brand new background checks and take different education classes in order to satisfy the SAFE Act mortgage loan originator licensing requirements. They will also have to continue to meet the SAFE Act’s personal character requirements on an annual basis, in order to remain eligible to retain their license endorsements. Corporations engaged in mortgage loan origination will have to register with NMLSR and obtain license endorsement for their company. Corporations licensed under the Real Estate Law will also have to ensure that each of their mortgage loan originator employees obtains an individual mortgage loan originator license endorsement. The testing and registration of applicants for license endorsements will be done via the NMLSR’s online system.

The proposed regulations include the adoption of two new articles, encompassing ten (11) new regulatory sections, and the amendment of two existing articles (the addition of a single new section and minor, non-

substantive changes within one existing article, and amending an existing section within the second existing article).

ARTICLE 7

The Commissioner proposes to amend Article 7 of Chapter 6, Title 10 of the California Code of Regulations, entitled “Salesmen.” Within Article 7 the Commissioner proposes to make two non-substantive changes (updating language), and to adoption of one section.

Within Article 7, the Commissioner proposes to adopt Section 2756, entitled, “Salesperson Performance of Mortgage Loan Origination.” *Purpose:* Specifies that salespersons must both hold a mortgage loan originator license endorsement and be employed by a broker who also holds a license endorsement in order for the salesperson to perform mortgage loan origination acts. *Rationale:* Although the statutes adopted via SB 36 address this subject repeatedly, and the underlying real estate licensing scheme makes a parallel requirement for general real estate activities, the standard described by this proposed section is not expressly stated in statute. The standard is necessary to ensure compliance of both brokers with license endorsements and salespersons with license endorsements, particularly with regard to reporting requirements of the new statutes.

ARTICLE 7.5

The Commissioner proposes to adopt Article 7.5 to Chapter 6 of Title 10 of the California Code of Regulations, entitled “Mortgage Loan Originator License Endorsement.” Within Article 7.5 the Commissioner proposes to adopt seven sections.

Section 2758.1, entitled, “Examination.” *Purpose:* Specifies that examinations to demonstrate qualification for the mortgage loan originator license endorsement will be administered through the NMLSR system. The exam will include a national component and a California-specific component. The regulation requires an applicant’s compliance with NMLSR standards and process. *Rationale:* Addresses potential confusion based upon the difference between examinations already in place for real estate licenses in California and the new license endorsement requirements.

Section 2758.2, entitled, “Fingerprints.” *Purpose:* Requires an applicant for a mortgage loan originator license endorsement to submit his or her fingerprints to the NMLSR. The section specifies that the requirement is in addition to the fingerprint submission already required of real estate license applicants. *Rationale:* Avoids potential confusion regarding whether the set of

fingerprints already on file with the Department is sufficient to meet the license endorsement application; another set of fingerprints is necessary.

Section 2758.3, entitled, “Evidence of Financial Responsibility.” *Purpose:* Requires an applicant to authorize the NMLSR to obtain the applicant’s credit report. The section also sets out criteria shown by a credit report and other financial background that may be used to disqualify an applicant. *Rationale:* Alerts applicants to SAFE Act conditions regarding an applicant’s financial disclosures and background. These financial criteria are being further defined at the national level, and greater definition within this section is expected in the future as national standards are clarified.

Section 2758.4, entitled, “Fees.” *Purpose:* Specifies that the annual fee assessed for a mortgage loan originator license endorsement will be \$300. Special consideration is given for the transitional 2010 period, specifying the fee paid for 2010 to cover calendar year 2011. Fee payment during the annual renewal period in November and December is also specified. *Rationale:* Establishes the fee structure for license endorsements.

Section 2758.5, entitled, “Application, Electronic Signature, and License Changes.” *Purpose:* Requires an applicant to file for his or her mortgage loan originator license endorsement via the NMLSR’s electronic system. The section also requires that the applicant keep consistent the information provided to the NMLSR regarding their license endorsement and the information provided the Department regarding their real estate license. *Rationale:* Clarifies that a licensee’s information may not differ as between their real estate license and license endorsement, despite the distinction between the national system and state system.

Section 2758.6, entitled, “Corporate Real Estate Brokers, Officers, Directors, and Shareholders.” *Purpose:* Specifies the responsibility of the designated officer of a licensee corporation for the maintaining and updating the corporation’s required information in the NMLSR database. *Rationale:* Establishes responsibility with an individual, natural licensee where a corporate licensee acts with regard to its license endorsement information.

Section 2758.7, entitled, “Renewal and Continuing Education.” *Purpose:* Specifies the calendar timing applicable to mortgage loan originator license endorsements, late renewals of license endorsements, as well as the limited applicability of continuing education credits attained to qualify for a late renewal. *Rationale:* Addresses potential confusion based upon the difference between renewal of real estate licenses already in place and the new license endorsement requirements.

#### ARTICLE 18.5

Within the existing Article 18.5, Section 2911 currently outlines the criteria for evaluating the rehabilita-

tion of an applicant for issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant. The proposed amendment would add subsections (o) and (p) to this section. *Purpose:* Subsection (o) specifies that no license endorsement will be issued regardless of rehabilitation where the applicant has been convicted of a felony within seven (7) years from the date of his or her application for a license endorsement. Subsection (p) specifies that no license endorsement will be issued regardless of rehabilitation where the applicant has been convicted of a felony where such felony involved an act of fraud, dishonesty, a breach of trust, or money laundering. *Rationale:* Clarifies the more stringent limitations of the SAFE Act on the Department’s authority to consider rehabilitation from felony criminal offenses when assessing applications for mortgage loan originator license endorsements.

#### ARTICLE 18.9

The Commissioner proposes to adopt Article 18.9 to Chapter 6 of Title 10 of the California Code of Regulations, entitled “Discipline Regarding Mortgage Loan Originator License Endorsement.” Within Article 18.9 the Commissioner proposes to adopt four sections.

Section 2945.1, entitled, “Effect of License Discipline on Mortgage Loan Originator License Endorsement.” *Purpose:* Specifies that discipline to a licensee’s real estate license is basis for discipline to the licensee’s license endorsement, and that the discipline to the license and license endorsement may be unified into a single action. *Rationale:* The relationship between a real estate license and a license endorsement, for disciplinary purposes, has not previously been addressed in statute or regulation. This section connects the discipline of the two levels of license, and establishes a baseline for efficient handling of a cause of action against an individual licensee with both a real estate license and license endorsement.

Section 2945.2, entitled, “Effect of Prior License Discipline on Mortgage Loan Originator License Endorsement Application.” *Purpose:* Establishes prior license discipline as a basis for denial of a mortgage loan originator license endorsement. The section also limits this restriction, as specified, where discipline was imposed upon a real estate license prior to 2010, and where discipline takes a lesser form than outright revocation with no right to a restricted license. *Rationale:* Establishes the relationship between past real estate license discipline and a license endorsement application. The restrictions outlined address the new, and more restrictive, language of the SAFE Act and how similar wording—and specifically the word, “revoked”—has

been used in a different sense by existing practice under the Real Estate Law. The SAFE Act imposes a lifetime bar against a person whose license endorsement has been revoked. The Commissioner recognizes that, under one interpretation, revocation of a real estate license may be considered equivalent to revocation of a mortgage loan originator license endorsement. The Commissioner believes this interpretation goes beyond the meaning of the SAFE Act, because real estate license discipline includes a range of actions, of which the most serious (save for a bar order, a relatively recent addition to the Commissioner's statutory power) is outright revocation. Lower on the range of discipline is revocation with a right to a restricted license. This discipline is applied in a situation where the Commissioner has determined that it would not be against the public interest for the licensee to continue practicing in real estate. Although the revocation with right to a restricted license includes the revocation of a licensee's license and license rights, the Commissioner does not believe this measure is the sort of discipline anticipated where the SAFE Act imposes an outright bar from mortgage origination. The restrictions on license endorsement discipline imposed here describe that distinction.

Section 2945.3, entitled, "Effect of Prior Felony Conviction on Mortgage Loan Originator License Endorsement Application." *Purpose:* Describes the impact of an applicant or licensee felony conviction on a license endorsement. *Rationale:* Addresses potential confusion based upon the difference between the impacts of a felony already in place within the Real Estate Law for real estate licenses and the new, more stringent, license endorsement requirements.

Section 2945.4, entitled, "Disciplinary Process Uniformity: Real Estate License and Mortgage Loan Originator License Endorsement." *Purpose:* Clarifies that the disciplinary process standards and procedures currently applied to real estate licenses will be uniformly applied to mortgage loan originator license endorsements, as well. *Rationale:* The disciplinary standards and practices relating to real estate licenses are founded in statutory authorizations and limitations, primarily based in Sections 10100, 10100.2, 10101, and 10103 of the Business and Professions Code. Although the statutes resulting from SB 36 appear to be silent with regard to the disciplinary process to be applied to mortgage loan originator license endorsements, the Commissioner interprets the language and tone of SB 36 as indicative that license endorsements are viewed as a subsidiary form of license by the Legislature, falling within the existing discipline process. In order to clarify that uniformity of process will be applied between the existing disciplinary practice regarding real estate licenses and the new mortgage loan originator license endorse-

ment, in this regulatory section the Department states that existing real estate license practice will be applied, both in its authorizations and limitations, to mortgage loan originator license endorsements.

#### AUTHORITY

Sections 10080 and 10166.17, Business and Professions Code.

#### REFERENCE

Sections 10150, 10151, and 10166.01 et seq., Business and Professions Code.

#### AVAILABILITY OF MODIFIED TEXT

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

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

The express terms of the proposed action may be obtained upon request from the Sacramento offices of the Department. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. These documents are also available at the Department's website at [www.dre.ca.gov](http://www.dre.ca.gov). As required by the Administrative Procedure Act, the Department's Sacramento Legal Office maintains the rule-making file. The rulemaking file is available for public inspection at the Department of Real Estate, 2201 Broadway, Sacramento, California.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

**CONSIDERATION OF ALTERNATIVES**

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

**FISCAL IMPACT**

- Cost or savings to any state agency: DRE has determined by workload analysis that the cost to implement the provisions of SB 36 and the SAFE Act will be approximately \$300 per licensee. The Department recently revised its SB 36 Budget Change Proposal to add 27 PYs in Budget Year 10/11 plus budget augmentation to pay start up fees to the NMLSR (\$500,000). Once the Department is able to document workload associated with the Enforcement, Legal, and Audit requirements to comply with SB 36 and the SAFE Act, it is highly likely that additional PYs will be needed to address anticipated Enforcement workload associated with the implementation of the SAFE Act.
- Direct or indirect costs or savings in federal funding to the state: none.
- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: none.
- Other nondiscretionary costs/savings imposed on local agencies: none.
- Costs to private persons or businesses directly affected: The Department has determined that the cost to directly affected persons and corporations that apply for or renew a mortgage loan originator license endorsement under these regulations will be \$300 per year.

**BUSINESS REPORTING REQUIREMENT**

The Commissioner finds that it is necessary for the health, safety, or welfare of the people of this state that this regulation, which requires a report by private entities, apply to businesses.

**DETERMINATIONS**

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

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

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The Department has determined that the cost to directly affected persons and corporations that apply for or renew a mortgage loan originator license endorsement under these regulations will be \$300 per year.

**EFFECT ON SMALL BUSINESS**

The proposed regulatory changes may affect small business.

**CONTACT PERSON**

Inquiries concerning this action may be directed to Daniel Kehew at (916) 227-0425, or via email at [DRERegulations@dre.ca.gov](mailto:DRERegulations@dre.ca.gov). The backup contact person is Mary Clarke at (916) 227-0780.

**TITLE 13. DEPARTMENT OF MOTOR VEHICLES**

**NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Article 3.0, Section 152.00 and Article 3.2, Section 190.03, in Chapter 1, Division 1, of Title 13, California Code of Regulations which identifies the form that allows a deposit in lieu of a surety bond as authorized by the Code of Civil Procedure when motor vehicle or vessel titling documents do not meet the department's criteria.

**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 29, 2010, 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 4157, 4307 and 9923 of the Vehicle Code and comply with Section 995.710 in the Code of Civil Procedure.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code sections 4157 and 4307 authorizes the department to accept a bond when motor vehicle ownership documentation does not meet the department's criteria.

Vehicle Code section 9923 authorizes the department to accept a bond when vessel ownership documentation does not meet the department's criteria.

Section 995.710 in the Code of Civil Procedure authorizes various types of deposits that may be used in lieu of a bond when the deposit meets specific guidelines. The proposed regulation identifies the form required by the department to accept a deposit and identifies the type of deposit that the owner has chosen to meet the department's alternative titling criteria.

**§152.00 Motor Vehicle Bond Requirements.** Section 152.00 would be amended to identify the deposit form by name, number and revision date and identify the authorizing Code of Civil Procedure section for a motor vehicle.

**§190.93 Vessel Bond Requirements.** Section 190.03 would be amended to identify the deposit form by name, number and revision date and identify the authorizing Code of Civil Procedure section for a vessel.

DOCUMENTS INCORPORATED BY REFERENCE

Vehicle, Vessel or Off-Highway Vehicle Title Deposit Agreement and Assignment  
REG 5059 (NEW 10/2009)

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 cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations identify the method and form required to allow a motor vehicle or vessel owner to acquire a California certificate of title when the titling documents do not meet the department's criteria and the owner does not wish to secure a surety bond but would post a deposit.
- 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 not create or 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 implements existing statutes by identifying the methods and form required that would allow a motor vehicle or vessel owner to acquire a California certificate of title when the titling documents presented do not meet the department's

criteria and the owner does not wish to secure a surety bond but would post a deposit.

**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 easily 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 effective as and less burdensome to affected private persons than the proposed action.

**CONTACT PERSON**

Inquiries relevant to the proposed regulatory action and questions on the substance of the proposed regulations should be directed to the department representative, which is:

Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station C-244, Sacramento, California 94232-3820; telephone number (916) 657-6469, or [cpatrick@dmv.ca.gov](mailto:cpatrick@dmv.ca.gov)

In the absence of the department representative, inquiries may be directed to the Cathy Sowell, at (916) 657-6469 or e-mail [csowell@dmv.ca.gov](mailto:csowell@dmv.ca.gov). The fax number for the Regulations Branch 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 regulatory 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 aforementioned initial statement of reasons and express terms of the proposed regulatory 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 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 Ac-

tion, the Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://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. Requests 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 15. DEPARTMENT OF  
CORRECTIONS AND REHABILITATION**

**NOTICE OF PROPOSED REGULATIONS**

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

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Sections 3040, 3040.1, 3040.2, 3041, 3041.2, 3042, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2 and 3045.3 in the California Code of Regulations (CCR), Title 15 concerning Inmate Credit Earning.

**PUBLIC HEARING**

Date and Time: March 30, 2010— 9:00 a.m. to 11:00 a.m.  
Place: Office of Training & Professional Development  
Pilot Hill Room  
10000 Goethe Road  
Sacramento, CA. 95827  
Purpose: To receive comments about this action.

**PUBLIC COMMENT PERIOD**

The public comment period will close, March 30, 2010, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

**CONTACT PERSON**

Please direct any inquiries regarding this action to:

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

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

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

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

**Kelly Santoro, Associate Warden  
North Kern State Prison  
Telephone (661) 721-2345 ext 5050**

**LOCAL MANDATES**

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

**FISCAL IMPACT STATEMENT**

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

**EFFECT ON HOUSING COSTS**

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

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

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

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**EFFECT ON SMALL BUSINESSES**

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

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

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

**CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS**

The Department has prepared, and will make available, the text and the Initial Statement of Reasons

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

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

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

confined therein are vested in the Secretary of the CDCR.

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

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

This action provides the following:

- This action amends provisions governing the searches and inspections for visitors within the California Department of Corrections and Rehabilitation (Department). California Code of Regulations, Sections 3040, 3040.1, 3040.2, 3041, 3041.2, 3042, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2 and 3045.3 is being amended, repealed, and/or adopted to incorporate Senate Bill (SB) X3-18. On October 26, 2009, Governor Schwarzenegger signed into law legislation SB X3-18 amending Penal Code Sections 2932, 2933, 2933.2, 2933.3, 2933.5, 2933.6, 2934, 2935, 4019 and adopting new PC Section 2933.05. This new law directly affects an inmate's credit earning and eligibility status. Among other things, this legislation eliminates the Bridging Education Program (BEP). The California Department of Corrections and Rehabilitation (CDCR) is nearing its maximum capacity for housing inmates. In response, the Department is in the process of revising relevant sections of the California Code of Regulations, Title 15, Article 3, Work and Education.
- Incorporates by reference into the regulations, the CDCR Form 916 (Rev. 09/09), Time Credit Waiver. New and existing language describes its use with the inmate credit earning process. A copy of the CDCR Form 916 has been made available for public review.
- Incorporates by reference into the regulations, the CDCR Milestone Completion Credit Schedule (New 12/09). New language describes its use with the inmate credit earning process. A copy of the CDCR Milestone Completion Credit Schedule has been made available for public review.
- These regulations are necessary based on SBX3-18 which mandates that, by January 25, 2010, the Department shall promulgate regulations that provide for program completion credits for inmates who successfully complete California Department of Corrections and Rehabilitation (CDCR) approved rehabilitative programming. Thus, to comply with the law, it is necessary to file these regulations on an

emergency Operational Necessity basis under PC section 5058.3 to ensure that these provisions provide the appropriate authority and direction needed for the review and approval for awarding program completion credits to qualifying inmates.

**TITLE 21. BUSINESS,  
TRANSPORTATION AND HOUSING  
AGENCY**  
**NOTICE OF PROPOSED REGULATORY  
ACTION**

**TITLE 21, CALIFORNIA CODE OF  
REGULATIONS**  
**DIVISION 3, CHAPTER 3, ARTICLE 1,  
SECTION 7000,  
CONFLICT OF INTEREST CODE**

February 12, 2010

NOTICE IS HEREBY GIVEN that the Business, Transportation and Housing Agency (Agency) proposes to amend regulations in Title 21 of the California Code of Regulations relating to the Conflict of Interest Code of the Agency pursuant to Government Code sections 87300–87302 and 87306.

The Agency proposes to amend its Conflict of Interest Code, in Title 21, Section 7000 of the California Code of Regulations, to include current job classifications that involve the making and/or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The Appendix in the Conflict of Interest Code provides a listing of the job classifications in the Agency subject to the reporting requirements and defines the disclosure categories. The proposed amendment shall amend the listing to be consistent with the current organizational structure of the Agency as follows:

1. It deletes positions that have been abolished at the Agency;
2. It adds newly created positions within the Agency; and
3. It adds a newly created program, the Public Infrastructure Advisory Commission, its positions and establishes a new disclosure category.

**PUBLIC COMMENTS**

A written comment period has been established and any interested person may submit written comments on the proposed action via facsimile at (916) 324–7524 or by mail to:

Business, Transportation and Housing Agency  
Attn: Kathryn Taylor–DeLettre  
980 9<sup>th</sup> Street, Suite 2450  
Sacramento, CA 95814

Written comments will be accepted until 5:00 p.m. on March 29, 2010.

**PUBLIC HEARINGS**

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the Agency at the above address for public comments, no later than 15 days prior to the close of the written comment period.

**AVAILABILITY OF INFORMATION**

The Agency has prepared a written explanation of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout/underscore format. Requests to review or receive copies of this information should be directed to: Kathryn Taylor–DeLettre, 980 9<sup>th</sup> Street, Suite 2450, Sacramento, CA 95814, or by faxing 916–324–7524 or calling (916) 324–7518. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester’s name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

All documents regarding the proposed action are also available through our website at [www.bth.ca.gov](http://www.bth.ca.gov) under the Newsroom and then Regulatory Notice tab on the top of the page.

**QUESTIONS**

Any questions concerning the content of the proposed regulations should be directed to Augustin Jimenez, General Counsel, at (916) 324–7518.

**ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the Agency may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the proposed regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

**ECONOMIC AND FISCAL IMPACT**

The Agency has made an initial determination that this proposed regulatory action: (1) will have no significant statewide adverse economic impact directly affect-

ing private sector businesses including the ability of California businesses to compete with businesses in other states; (2) will have no effect on housing cost; (3) 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; (4) will not impose any new mandate upon local agencies or school districts; and (5) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the State.

#### **SMALL BUSINESS DETERMINATION**

The Agency has determined that the proposed regulatory action will not affect small businesses.

#### **ALTERNATIVES**

This regulatory action is taken pursuant to Government Code section 87300. In accordance with Government Code section 11346.5(a)(13), the Agency must determine that no reasonable alternative considered by the Agency, or that has otherwise been identified and brought to the Agency's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The Agency invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### **AUTHORITY**

This regulatory action is being taken pursuant to Government Code section 87306.

#### **REFERENCE**

This action implements, interprets, or makes specific Government Code sections 87300–87302, and 87306 and Streets and Highways Code section 143(a)(5).

### **TITLE 24. BUILDING STANDARDS COMMISSION**

#### **NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

### **REGARDING THE CALIFORNIA ADMINISTRATIVE CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTERS 6 & 7**

#### **SEISMIC COLLAPSE PROBABILITY ASSESSMENT FOR HOSPITAL BUILDINGS**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1, Chapters 6 and 7. The OSHPD is proposing building standards related to seismic collapse probability assessment for hospital buildings using the Hazards U.S. Multi-Hazard (HAZUS–MH) methodology.

#### **PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from February 12, 2010, until 5:00 p.m. on March 29, 2010. Please address your comments to:

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

Written Comments may also be faxed to (916) 263–0959 or E–mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

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

#### **POST–HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

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

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

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.6 and 130022(b). The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 130022. OSHPD is proposing this regulatory action based on Health and Safety Code Section 130022.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 129835 authorizes the Office upon written request from the governing board or authority to make, or cause to be made, an examination and report on the condition of any hospital building. The Office will charge the hospital for actual expenses incurred.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Health and Safety Code Sections 130000 through 130070 establish responsibilities for the Office and for hospital owners regarding the seismic safety and retrofit of general acute care hospitals.

Health and Safety Code Section 130005(a)(3) authorizes the Office to develop definitions of earthquake performance categories for earthquake ground motion for existing hospitals that are potentially at significant risk of collapse and that represent a danger to the public as it deems necessary to meet the intent of Health and Safety Code, Sections 130000 through 130025 regarding seismic safety in hospitals.

Health and Safety Code Section 130022 provides that all regulatory proposals submitted by the Office to the California Building Standards Commission pursuant to the provisions of Health and Safety Code Section 130022 shall be deemed emergency regulations. This provision will remain in effect until January 1, 2013.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Section 18930 and the Government Code (commencing with Section 11346).

Government Code 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Government Code 11346.1(c) requires that building standards that are emergency regulations must be approved by the California Building Standards Commission.

Summary of Existing Regulations

Pursuant to SB 1953 (Chapter 740, Statutes of 1994), all general acute care hospitals in service prior to January 1, 2000, were required to evaluate each hospital building to determine the structural and nonstructural performance categories based on their expected seismic performance. Hospital buildings were evaluated to specific Structural Performance Categories (SPC) and these categories are described in Table 2.5.3 of Title 24, Part 1, Chapter 6. Hospital buildings rated SPC-1 were constructed pre-1973, prior to the Alfred E. Alquist Hospital Facilities Seismic Safety Act, and are at risk of collapse in an earthquake. These hospital buildings must be retrofitted, replaced, or removed from acute care service by January 1, 2008 unless an extension has been granted to 2013, 2015, or 2020. The SPC-2 hospital buildings were also constructed pre-1973, and may not be operational or repairable following an earthquake but do not significantly pose a risk to life. These buildings must be retrofitted or replaced by January 1, 2030. The SPC-3 and SPC-4 buildings were built to the HSSA requirements, but because of certain features, may not be operational or repairable after an earthquake. Hospital buildings rated as SPC-3, SPC-4, or highest rated SPC-5 can be used through January 1, 2030 and beyond.

Title 24, Part 2, Volume 2 provides structural requirements for hospital buildings. The basic regulations for the SB 1953 were implemented in the mid-1990's. The structural regulations were based on the 1995 California Building Code (CBC), which was the 1994 Uniform Building Code with California amendments. The requirements were essentially identical for retrofit, renovations, and new construction. The adoption of the 2007/2010 CBC, which are based on the 2006/2009 International Building Code, changed the structural design requirements extensively and reduced the design forces for most areas away from active seismic faults. This change is consistent with the methodology proposed in this rulemaking.

Summary of Effect

The proposed regulations will update requirements for HAZUS methodology to reclassify SPC-1 buildings to SPC-2 based on collapse probability assessment. Collapse probability assessment will be based on

Multi-Hazard Loss Estimation Methodology, Earthquake Module (HAZUS-MH MR-2) developed by the Federal Emergency Management Agency / National Institute of Building Sciences. Building specific performance parameters in the AEBM of the HAZUS software, as modified by OSHPD, will be used for the collapse probability assessment. This is an optional method for hospital buildings to assess the seismic risk for hospital buildings slated to be removed from service or retrofitted by 2013. The proposed regulations will provide equivalent level of seismic safety as the buildings rated SPC-2 based on prescriptive SB 1953 evaluations. This will ensure uniformity in seismic performance of hospital buildings and provide significant economic benefit to the impacted hospitals.

The proposed regulations will also revise Nonstructural Performance Categories (NPC) deadlines for consistency with statutory mandate for the SPC compliance deadlines established pursuant to SB 2006 (Chapter 851, Statutes of 2000), SB 1661 (Chapter 679, Statutes of 2006), SB 306 (Chapter 642, Statute of 2007), and SB 499 (Chapter 601, Statutes of 2009).

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to these proposed regulations.

Policy Statement Overview

The policy objective of these regulations is to reevaluate the SPC-1 hospital buildings with the goal of re-prioritizing these buildings based on seismic risk. The NPC deadline changes will align them with SPC requirements.

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

There are no matters to be identified. These proposed regulations are in compliance with the mandated requirements of SB 499 (Chapter 601, Statutes of 2009).

**MANDATE ON LOCAL AGENCIES  
OR SCHOOL DISTRICTS**

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

A. Cost or savings to any state agency: **Yes. The proposed regulations would result in a savings to University of California hospitals.**

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **Yes. The proposed regulations would result in a savings to county and district hospitals.**
- E. Cost or savings in federal funding to the state: **Yes. Unknown savings to Medicaid (Medi-Cal) program.**

**Estimate:** The proposed regulations would result in a significant savings and deferred expenditures for general acute care hospitals subject to SB 1953 (Chapter 740, Statute of 1994) seismic requirements. Savings to individual hospitals will depend on many factors including:

1. Current condition of the building,
2. Building type,
3. Seismic design level,
4. Structural deficiencies,
5. Quality of construction, and
6. Site seismicity and soil type.

Additionally, hospitals that request the HAZUS assessment for an SPC-1 building will be charged the actual cost incurred by OSHPD for performing the assessment. This would be a minor indeterminable cost to the hospital.

**INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES**

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

**DECLARATION OF EVIDENCE**

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

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

OSHPD has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

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

- The creation or elimination of jobs within the State of California.  
These regulations will not effect the creation of 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.  
These regulations will not effect the creation of or elimination of new businesses within the State of California.
- The expansion of businesses currently doing business with the State of California.  
These regulations will not affect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

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

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF RULEMAKING DOCUMENTS

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

[www.bsc.ca.gov](http://www.bsc.ca.gov)

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

CBCS CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

Russ Frank, Associate Architect,  
[russell.frank@dgs.ca.gov](mailto:russell.frank@dgs.ca.gov) or  
Jane Taylor, Senior Architect,  
[jane.taylor@dgs.ca.gov](mailto:jane.taylor@dgs.ca.gov)  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959

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

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

Duane Borba, Deputy Division Chief  
Office of Statewide Health Planning and  
Development  
Facilities Development Division  
400 R Street, Suite 200  
Sacramento, CA 95811

[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)  
Telephone No.: (916) 440-8409  
Facsimile No.: (916) 324-9188

**TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**NOTICE OF PROPOSED AMENDMENTS FOR THE EMERGENCY HOUSING AND ASSISTANCE PROGRAM (CAPITAL DEVELOPMENT) SECTIONS 7966 AND 7970**

Notice is hereby given that the Department of Housing and Community Development (Department) pro-

poses to amend the regulations governing the Emergency Housing and Assistance Program—Capital Development (hereinafter “EHAP—CD”) (Health and Safety Code Div. 31, Part 2, Chapter 11.5, commencing with Section 50800). The purpose of this regulatory action is to amend sections 7966 and 7970 of Title 25 of the California Code of Regulations in order to give borrowers the full 24 months under the statute for commencement of projects as well as extend the completion deadline and to allow the department flexibility to grant extensions to the term of the standard agreement.

The text of the proposed regulation amendments, along with related documents, is available on the Department’s web site ([www.hcd.ca.gov](http://www.hcd.ca.gov)).

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period begins February 12, 2010 and closes at 5:00 p.m. on March 29, 2010. The Department will consider comments received during this time-frame. Please address your comments to Lenora Frazier at [lfrazier@hcd.ca.gov](mailto:lfrazier@hcd.ca.gov). Comments can also be sent via mail to Lenora Frazier, Department of Housing and Community Development, Legal Affairs Division, P.O. Box 952052, Sacramento, California 94252–2052 or via fax to (916) 323–2815 attention: Lenora Frazier.

#### PUBLIC HEARINGS

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. on March 15, 2010, fifteen (15) days prior to the close of the written comment period.

#### AUTHORITY AND REFERENCE

The Department is conducting this rulemaking activity under the authority provided by Health and Safety Code (H&S) Sections 50402, 50801.5 and 50806.5, and to implement, interpret, and make specific Sections 50802.5, 50803 and 50804.5 of the Health and Safety Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of the proposed amendment is to give the department the flexibility to extend the deadline for

commencement of construction as well as extend the terms of the standard agreement.

**Section 7966 Capital Development Grants.** This section is being amended to delete the text in subsection (d) that inaccurately referred to the term of the “grant” rather than the term of the “standard agreement.”

**Section 7970 Grantee Contract Requirements.** This section is being amended to conform to statute and allow grantees the opportunity to apply for an additional 12 months.

#### IMPACT OF PROPOSED REGULATIONS

The program regulations are designed to provide financing to projects that meet the array of EHAP—CD housing needs.

#### EFFECT ON SMALL BUSINESS

The proposed regulations do not affect small businesses. The reason for this finding is that participation in the program is voluntary.

#### LOCAL MANDATE

The proposed regulatory activity will not impose a mandate on local agencies or school districts. Participation in the program is voluntary.

#### FISCAL IMPACT

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

Public entities, including local governments and non-profit organizations are eligible to apply for loans from the programs affected by this rulemaking action. However, participation is voluntary, not mandatory.

#### EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

#### INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant state-

wide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**ASSESSMENT STATEMENT**

The Department has determined that the regulations will not significantly affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. In any case, participation in the program would be voluntary.

**STATEMENT OF POTENTIAL COSTS IMPACT  
ON PRIVATE PERSONS AND BUSINESS  
DIRECTLY AFFECTED**

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. While private businesses (including non-profits) and individuals are eligible to receive program funds under the program, participation is voluntary.

**CONSIDERATION OF ALTERNATIVES**

The Department of Housing and Community Development 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.

**AVAILABILITY OF TEXT OF PROPOSED  
REGULATIONS AND STATEMENT OF REASONS**

The text of the proposed regulations, along with the Initial Statement of Reasons prepared by the Department, which provides the reasons for the proposals, is available on the Department's web site, at [www.hcd.ca.gov](http://www.hcd.ca.gov). All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Lenora Frazier at the address and telephone number noted below.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

Following the written comment period, the Department may adopt the proposed regulations substantially

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

**AVAILABILITY OF RULEMAKING  
DOCUMENTS**

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

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

**CONTACT INFORMATION PERSON**

**HCD:**                   **Lenora Frazier**  
                                  **(916) 323-7288**

**HCD Back-Up:** **Dennis Beddard**  
                                  **(916) 323-7288**

**HCD Address:** **Department of Housing and  
Community Development**  
**1800 Third Street, Room 440**  
**Sacramento, California 95814**

**HCD Website:** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through our website at [www.hcd.ca.gov](http://www.hcd.ca.gov)

**HCD Facsimile No: (916) 323-2815**

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Direct inquiries concerning the substance of the proposed rulemaking action and any requests for the documents noted above should be made to Lenora Frazier at the following address:

California Department of Housing and  
Community Development  
Attention: Lenora Frazier  
P.O. Box 952052  
Sacramento, California 94252-2052  
Telephone (916) 323-7288  
Fax (916) 323-2518  
[lfrazier@hcd.ca.gov](mailto:lfrazier@hcd.ca.gov)

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

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

**REQUEST FOR RELEVANT INFORMATION  
ON A CHEMICAL BEING CONSIDERED FOR  
LISTING BY THE AUTHORITATIVE BODIES  
MECHANISM: BISPHENOL-A**

**February 12, 2010**

On July 15, 2009, the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) received a petition from the Natural Resources Defense Council (NRDC) asking that OEHHA initiate the process for listing bisphenol-A (BPA) as a reproductive toxicant under the Safe Drinking Water and Toxic Enforcement Act of 1986.<sup>1</sup>

The petition, which can be viewed at [oehha.ca.gov/prop65/pdf/NRDC\\_BPA100809.pdf](http://oehha.ca.gov/prop65/pdf/NRDC_BPA100809.pdf), asserted that OEHHA should take this action under the authoritative bodies listing mechanism.<sup>2</sup> The petition cited a report

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

on BPA by the National Toxicology Program's Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR), one of several institutions designated as authoritative for the identification of chemicals as causing reproductive toxicity (Section 25306(l)<sup>3</sup>).

Also on July 15, 2009, the Proposition 65 Developmental and Reproductive Toxicant Identification Committee (DART-IC) voted not to list BPA as a reproductive toxicant. The DART-IC considered the listing of BPA under the State's Qualified Experts listing mechanism.

The State's Qualified Experts and authoritative bodies mechanisms are two of the four listing mechanisms established by Health and Safety Code section 25249.8. Each of these four mechanisms is separate and distinct, and none takes precedence over the other. Therefore, regardless of the outcome of the DART-IC review, OEHHA is required to consider the listing of BPA under the authoritative bodies' mechanism.

**Background on listing via the authoritative bodies mechanism:** A chemical must be listed under the Proposition 65 regulations when OEHHA determines that two conditions are met:

- 1) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(g)).
- 2) An authoritative body formally identifies the chemical as causing reproductive toxicity (Section 25306(d)).

However, the chemical is not listed if scientifically valid data that were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(h)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

**Bisphenol-A**

**OEHHA's determination:** BPA appears to meet the criteria for listing as known to the State to cause reproductive toxicity under Proposition 65, based on findings of the National Toxicology Program's Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2008).

<sup>3</sup> All referenced sections are from Title 27 of the Cal. Code of Regulations.

<b>Chemical</b>	<b>CAS No.</b>	<b>Endpoint</b>	<b>Reference</b>	<b>Chemical Use</b>
Bisphenol-A (BPA)	80-05-7	Developmental	NTP-CERHR (2008)	Component in polycarbonate plastic used in water and baby bottles, present in epoxy resins used to line food cans and in dental sealants.

**Formal identification and sufficiency of evidence:** In 2008, the NTP-CERHR published a report on BPA (NTP-CERHR, 2008). This report concludes that the chemical causes developmental toxicity at high levels of exposure, and appears to satisfy the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP-CERHR's conclusions in the report that BPA causes reproductive toxicity. The NTP-CERHR report concludes that there is clear evidence of adverse developmental effects in laboratory animals at "high" levels of exposure. Developmental effects include fetal death and reduced litter size in rats and mice exposed prenatally.

Based on the NTP-CERHR report and the references cited in the report, the evidence appears sufficient for listing by the authoritative bodies' mechanism.

**Request for relevant information:** OEHHA is requesting public comment concerning whether this chemical meets the criteria set forth in the Proposition 65 regulations for authoritative bodies listings.

After reviewing all comments received, OEHHA will determine whether BPA meets the regulatory criteria for administrative listing. If listing proceeds, OEHHA will publish a Notice of Intent to List and provide an additional public comment period.

In order to be considered, **comments must be received by OEHHA by 5:00 p.m. on Tuesday, April 13, 2010.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita  
 Office of Environmental Health  
 Hazard Assessment  
 P.O. Box 4010, MS-19B  
 Sacramento, California  
 95812-4010  
 Fax: (916) 323-8803  
 Street Address: 1001 I Street  
 Sacramento,  
 California 95814

**Optional public forum:** Upon request, OEHHA will schedule a public forum to provide individuals an op-

portunity to present oral comments on the possible listing of BPA. At the forum, the public may discuss the scientific data and other relevant information on whether the chemical meets the criteria for listing in the regulations.

Requests for a public forum must be submitted in writing to the address noted above no later than **March 12, 2010**. If a public forum is requested, a notice will be posted on the OEHHA Web site at least ten days before the forum date. The notice will provide the date, time, location and subject matter of the forum. Notice will also be sent to those individuals requesting such notification.

If you have any questions, please contact Ms. Oshita at [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov) or at (916) 445-6900.

**References**

NTP-CERHR (2008). NTP-CERHR Monograph on the Potential Human Reproductive And Developmental Effects of Bisphenol A. Research Triangle Park, NC, National Toxicology Program: *NIH Publication No. 08-5994*.

**DECISION NOT TO PROCEED**

**BOARD OF BARBERING AND COSMETOLOGY**

**NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION**

The Board of Barbering and Cosmetology has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on May 22, 2009, OAL File # Z-2009-0507-01, concerning Title 16, section(s) 941.1, 941.2, 941.3, 941.4, 941.5, 941.6, 941.7 and 941.8.

DATED: January 21, 2010 /s/  
 Kristy Underwood  
 Executive Officer  
 Board of Barbering and  
 Cosmetology

**RULEMAKING PETITION  
DECISIONS**

**OCCUPATIONAL SAFETY AND  
HEALTH APPEALS BOARD**

January 12, 2010

Len Welsh, Chief  
Division of Occupational Safety and Health  
1515 Clay Street, Suite 1901  
Oakland, CA 94612

Re: Petition for Regulatory Change

Dear Mr. Welsh:

Thank you for your recent proposal to amend the Occupational Safety and Health Appeals Board's rules of practice and procedure and to add rules pertaining to expert testimony and the substantiation of serious violations. We appreciate your interest in the Board's regulatory review.

The Board is authorized to adopt rules of practice and procedure pursuant to California Labor Code section 148.7 and received a strong response to its invitation to submit such proposals for changes to these rules. We understand your letter to be a petition for regulatory change and, consistent with California Government Code section 11340.7, we are granting your petition in part. As you know, the advisory committee convened by the Board to address regulatory issues expressed interest in prioritizing regulatory change pertaining to substantiating serious injuries, motions, continuances and expedited proceedings. The Board agreed to evaluate rulemaking changes in these areas, so your petition is granted to the extent that the Board will explore regulatory changes to California Code of Regulations, Title 8, sections 361.3, 371, 371.1, 371.2 and 373, and will consider a new regulation pertaining to serious violations. Because the Board has limited resources to devote to regulatory reform, the Board is unable to undertake rulemaking in the other areas suggested at this time, but it might consider the remaining proposals in the future.

As required by Government Code section 11340.7(d), we will provide a copy of your petition to any interested person who requests it. Anyone having questions about the petition or the Board's response may contact Michael Wimberly at (916) 274-5751.

Sincerely,

/s/  
Michael Wimberly  
Executive Officer

**OCCUPATIONAL SAFETY AND  
HEALTH APPEALS BOARD**

January 20, 2010

Marti Fisher  
California Chamber of Commerce  
1215 K Street, Suite 1400  
Sacramento, CA 95814

Re: Petition for Regulatory Change

Dear Ms. Fisher:

Thank you for the recent proposal submitted by the Chamber on behalf of itself and the other organizations listed to amend California Code of Regulations, Title 8, sections 361.3, 371, 371.1, 371.2, 373 of the Occupational Safety and Health Appeals Board's rules of practice and procedure and to also add new rules. We appreciate your interest in the Board's regulatory review.

The Board is authorized to adopt rules of practice and procedure pursuant to California Labor Code section 148.7 and received a strong response to its invitation to submit such proposals for changes to these rules. We understand your letter to be a petition for regulatory change and, consistent with California Government Code section 11340.7, we are granting your petition in part. As you know, the advisory committee convened by the Board to address regulatory issues expressed interest in prioritizing regulatory change pertaining to motions, continuances, expedited proceedings, and the substantiation of serious violations. The Board agreed to evaluate rulemaking changes in these areas, so your petition is granted to the extent that the Board will explore regulatory changes to California Code of Regulations, Title 8, sections 361.3, 371, 371.1, 371.2 and 373, and will consider a new regulation pertaining to serious violations. Because the Board has limited resources to devote to this matter, the Board is unable to undertake rulemaking in the other areas suggested at this time, but it might consider the remaining proposals in the future.

As required by Government Code section 11340.7(d), we will provide a copy of your petition to any interested person who requests it. Anyone having questions about the petition or the Board's response may contact Michael Wimberly at (916) 274-5751.

Sincerely,

/s/  
Michael Wimberly  
Executive Officer

**OCCUPATIONAL SAFETY AND  
HEALTH APPEALS BOARD**

January 20, 2010

Arthur G. Sapper  
McDermott & Emery  
600 Thirteenth Street, N.W.  
Washington, D.C. 20005-3096

Re: Petition for Regulatory Change

Dear Mr. Sapper:

Thank you for your recent proposal to amend California Code of Regulations, Title 8, section 376(c), one of the Occupational Safety and Health Appeals Board's rules of practice and procedure. We appreciate your interest in the Board's regulatory review.

The Board is authorized to adopt rules of practice and procedure pursuant to California Labor Code section 148.7 and received a strong response to its invitation to submit proposals for changes to these rules. Having met with the advisory committee convened to review rule-making priorities, the Board has decided not to pursue your proposed change at this time. The Board's resources do not allow it undertake all of the proposed rule changes, so it must prioritize options, which it did in consultation with the committee and concluded that other matters are more pressing. While the Board may revisit your suggestion at a later time, it cannot currently grant your petition for regulatory change. See, Government Code section 11340.7.

As required by Government Code section 11340.7(d), we will provide a copy of your petition to any interested person who requests it. Anyone having questions about the petition or the Board's response may contact me at the number provided above.

Sincerely,

/s/  
Michael Wimberly  
Executive Officer

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATION  
(Summary Disposition)**

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

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**EMPLOYMENT DEVELOPMENT  
DEPARTMENT**

Date: January 29, 2010  
To: William Hays Weissman  
From: Chapter Two Compliance Unit  
Subject: **2010 OAL DETERMINATION NO. 3 (S)  
(CTU2009-1130-01)**  
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation language from the *California Employer*, Fourth Quarter 2009, concerning the provision of tax forms

On November 30, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether the following language found in the *California Employer*, dated Fourth Quarter 2009, attached as Exhibit A, that was issued by the Employment Development Department (EDD) constitutes an underground regulation:

Individuals, partnerships, corporations, or other organizations engaged in a trade or business in California may have a requirement to report independent contractor payment made in the course of their business.

For 2009, if the IRS or FTB requires that you provide an information return (Form 1099) to an independent contractor, failure to provide such form by February 1, 2010, may result in a penalty as imposed under Section 13052.5 of the California Unemployment Insurance Code or Section 19175 of the Revenue and Taxation Code. . . .

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,<sup>1</sup>

<sup>1</sup> "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).<sup>2</sup>

In determining whether a challenged rule is a “regulation” that should be adopted pursuant to the APA, OAL looks to see whether the challenged rule is merely a re-statement of existing law. A rule which merely restates a California statute or controlling federal statute does not meet the definition of a “regulation” in Government Code section 11342.600 and is, therefore, not an underground regulation.

Unemployment Insurance Code section 13052.5, subdivision (a), states:

(a) In addition to the penalty imposed by Section 19183 of the Revenue and Taxation Code (relating to failure to file information returns), if any person, or entity fails to report amounts paid as remuneration for personal services as required under Section 13050 of this code or Section 6041A of the Internal Revenue Code on the date prescribed thereof (determined with regard to any extension of time for filing), that person or entity may be liable for a penalty determined under subdivision (b).

Revenue and Taxation Code section 19175 states:

(a) In addition to the penalty imposed by Section 19183 (relating to failure to file information returns), if any person or entity fails to report amounts paid as remuneration for personal services as required under Section 13050 of the Unemployment Insurance Code or Section 18631 on the date prescribed therefor (determined with regard to any extension of time for filing), that person or entity may be liable for a penalty determined under subdivision (b).

. . . .

(c) The penalty imposed by subdivision (a) shall be assessed against that person or entity required to file a return under Section 13050 of the Unemployment Insurance Code or Section 18631.

. . . .

(e) The penalty imposed under subdivision (a) shall be in lieu of the penalty imposed under Section 13052.5 of the Unemployment Insurance Code (relating to unreported compensation). In the

event that a penalty is imposed under this section and Section 13052.5 of the Unemployment Insurance Code, only the penalty imposed under Section 13052.5 of the Unemployment Insurance Code shall apply.

Unemployment Insurance Code section 13050 requires:

(a) Every employer or person required to deduct and withhold from an employee a tax under Section 986, 3260, or 13020, or who would have been required to deduct and withhold a tax under Section 13020 (determined without regard to Section 13025) if the employee had claimed no more than one withholding exemption, shall furnish to each employee in respect of the remuneration paid by the person to the employee during the calendar year, on or before January 31 of the succeeding year, or, if his or her employment is terminated before the close of the calendar year, on the day on which the last payment of remuneration is made, a written statement showing all of the following:

. . . .

Internal Revenue Code section 6041A subsection (a) states:

Returns regarding remuneration for services. If—  
(1) any service–recipient engaged in a trade or business pays in the course of such trade or business during any calendar year remuneration to any person for services performed by such person, and

(2) the aggregate of such remuneration paid to such person during such calendar year is \$600 or more, then the service–recipient shall make a return, according to the forms or regulations prescribed by the Secretary, setting forth the aggregate amount of such payments and the name and address of the recipient of such payments. For purposes of the preceding sentence, the term “service–recipient” means the person for whom the service is performed.

Internal Revenue Code section 6041A, subsection (e) requires:

. . . Every person required to make a return under subsection (a) . . . shall furnish to each person whose name is required to be set forth in such return a written statement showing:

(1) The name, address, and phone number of the information contact of the person required to make such a return, and

(2) In the case of subsection (a), the aggregate amount of payments to the person required to be shown on such return. The written statement required under the preceding sentence shall be

<sup>2</sup> Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

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

furnished to the person on or before January 31, of the year following the calendar year for which the return under subsection (a) was made.

Unemployment Insurance Code section 13050 and Internal Revenue Code section 6041A, require that employers and service recipients provide employment information to employees or service providers by January 31 of each year. If they do not, a penalty may be assessed pursuant to Unemployment Insurance Code section 13052.5 or Revenue and Taxation Code section 19175. February 1, the date noted in the language challenged in your petition, is the first day the penalty may be assessed if the information is not provided.

The language challenged in your petition notifies employers and service recipients that they may be required to comply with the Unemployment Insurance Code and/or the Internal Revenue Code. If they do not comply by the statutorily imposed date, they may face a penalty pursuant to the Unemployment Insurance Code or the Revenue and Taxation Code. The challenged language is a mere restatement of law and does not further “implement, interpret, or make specific the law enforced or administered by EDD.” It does not meet the definition of “regulation” in Government Code section 11342.600.

For the reasons discussed above, we find that the rule challenged by your petition is not an underground regulation.<sup>3</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/  
SUSAN LAPSLEY  
Director

<sup>3</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) *The challenged rule is contained in a California statute.*

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)

/s/  
Kathleen Eddy  
Senior Counsel

Copy: Shanon Pavao

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

File# 2009-1216-02  
BOARD OF FORESTRY AND FIRE PROTECTION  
Utility Clearing Exemption, 2009

The California State Board of Forestry and Fire Protection (Board) amends Title 14 of the California Code of Regulations section 1257 to extend an existing exemption for utility vegetation clearing requirements in section 1257(a)(3) from December 31, 2009 to January 1, 2012.

The exemption allows for healthy, mature trees (trunks and limbs) that are sufficiently rigid so they do not present a risk to the public safety to be closer to powerlines than the minimum clearing distance under existing regulations. The exemption reduces the allowable minimum clearance between these mature trees and energized lines to six inches compared to the existing clearing requirements of four feet.

Title 14  
California Code of Regulations  
AMEND: 1257  
Filed 02/01/2010  
Effective 02/01/2010  
Agency Contact:  
Christopher Zimny (916) 653-9418

File# 2010-0122-02  
BUREAU FOR PRIVATE POSTSECONDARY  
EDUCATION  
Gen. Provisions, Applications, Institutional Operating  
Standards, etc.

This regulatory action, pursuant to AB 48 (Chapter 310, Statutes of 2009), reestablishes, after a two and one-half year absence, the regulation of private

postsecondary educational institutions in California. It provides for the application process and operating standards and provides guidelines for implementation of the Student Tuition Recovery Fund.

**Title 5**

**California Code of Regulations**

ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010

Filed 02/01/2010

Effective 02/01/2010

Agency Contact: Joanne Wenzel (916) 574-7774

File# 2010-0120-01

**CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING  
AUTHORITY**

Extension of Previously Adopted CAEATFA Emergency Regulations

The Public Resources Code creates the California Alternative Energy and Advanced Financing Authority (Authority) and authorizes it to fix fees and charges for projects to fund expenses incurred by the Authority in carrying out its duties. Existing section 10020 of title 4 of the California Code of Regulations sets fees for projects generally, but there are no specific fees established for renewable energy projects. This filing is the readoption of an emergency regulatory action which added a separate fee structure to section 10020 to establish a renewable energy program and lower the cost of financing these technologies while allowing the Authority to be self-sustaining. The initial filing of this regulatory action was mandated to be in the form of emergency regulations and deemed necessary for the immediate preservation of the public peace, health and safety, and general welfare by the Legislature pursuant to section 26011.6(b) of the Public Resources Code.

**Title 4**

**California Code of Regulations**

AMEND: 10020

Filed 01/27/2010

Effective 01/27/2010

Agency Contact:

Samantha Russell

(916) 654-6061

File# 2009-1216-07

**CALIFORNIA HORSE RACING BOARD  
Veterinarian's List**

Currently, section 1866 provides that a horse may be placed on the Veterinarian's List of horses determined to be unfit to compete in a race due to physical distress, unsoundness or infirmity. This amendment adds that a horse may also be placed on the list due to veterinary treatment, injury or lameness. This amendment further states that a horse placed on the list as injured, unsound or lame may not workout for 72 hours after being placed on the list without the permission of the official veterinarian and that the official veterinarian may require any horse placed on the list to undergo a veterinary examination prior to resuming training at any facility under the jurisdiction of the Board. The amendment also defines what is meant by "workout."

Title 4  
 California Code of Regulations  
 AMEND: 1866  
 Filed 01/29/2010  
 Effective 02/28/2010  
 Agency Contact: Harold Coburn (916) 263-6397

File# 2009-1216-06  
**CALIFORNIA HORSE RACING BOARD**  
 Prohibited Veterinary Practices

This action modifies the existing list of drugs the possession or use of which is considered a prohibited veterinary practice to add “analogs” of Erythropoietin (EPO) and Darbepoietin and add “growth hormone” and its “analogs”, and makes the presence of any listed drug in any test sample the same violation status as if the horse were entered to race.

Title 4  
 California Code of Regulations  
 AMEND: 1867  
 Filed 02/01/2010  
 Effective 03/03/2010  
 Agency Contact: Harold Coburn (916) 263-6397

File# 2009-1216-05  
**CALIFORNIA HORSE RACING BOARD**  
 Possession of Contraband

This regulatory action provides that no person other than a veterinarian licensed by the Board shall have in his or her possession at a facility under the jurisdiction of the Board any substance or medication that has been prepared or packaged for injection by a hypodermic syringe or hypodermic needle, nor possess any medicine, medication, or other substance recognized as a medication, which has not been prescribed and labeled in accordance with Board regulations.

Title 4  
 California Code of Regulations  
 AMEND: 1890  
 Filed 01/27/2010  
 Effective 02/26/2010  
 Agency Contact: Harold Coburn (916) 263-6397

File# 2009-1216-08  
**CALIFORNIA HORSE RACING BOARD**  
 Taking, Testing and Reporting of Samples

The California Horse Racing Board amended title 4, California Code of Regulations, section 1859, which provides for the taking, testing and reporting of urine, blood, or other official test samples from horses participating in a horserace to determine the existence of any prohibited drugs or substances in the horse. The amendment adds the Equine Medical Director to the list of of-

ficials who may direct the taking of official test samples and who may approve the taking of official test samples in areas other than the approved detention area. The amendment also deletes the requirement for official test samples to be discarded immediately if the official laboratory fails to detect a prohibited drug or substance in the official test samples.

Title 4  
 California Code of Regulations  
 AMEND: 1859  
 Filed 01/27/2010  
 Effective 02/26/2010  
 Agency Contact: Harold Coburn (916) 263-6397

File# 2009-1216-09  
**CALIFORNIA HORSE RACING BOARD**  
 Total Carbon Dioxide Testing

The California Horse Racing Board (Board) amended title 4, California Code of Regulations, sections 1843.6 and 1858. The amendment to section 1843.6 adds the Equine Medical Director and the stewards to the list of officials who may direct Board-licensed veterinarians or registered veterinary technicians to collect blood samples from a horse to test for concentrations of total carbon dioxide (TCO<sub>2</sub>), and adds the Equine Medical Director to the list of officials who may select any horse for TCO<sub>2</sub> testing at any facility under Board jurisdiction. The amendment to section 1858 adds the Equine Medical Director to the list of officials who may designate horses required for official blood or urine testing at horse races, and whose designation for testing may not be refused by any horse owner, trainer or other person having care of the horse.

Title 4  
 California Code of Regulations  
 AMEND: 1843.6 and 1858  
 Filed 01/27/2010  
 Effective 02/26/2010  
 Agency Contact: Harold Coburn (916) 263-6397

File# 2009-1216-01  
**DEPARTMENT OF CONSERVATION**  
 DORIIS Processor and Recycler Reporting

These regulatory changes amend the Department of Conservation’s Division of Recycling Integrated Information System (DORIIS). DORIIS is a free internet-based tool developed by the Division in 2007 for the recycling industry. It provides for on-line report making and recordkeeping for recycling centers and processors. The Division is increasing the allowable frequency of submissions for submitting processor claims and making other changes. Use of DORIIS is not mandated and program participants will continue to be allowed to make paper reports.

Title 14  
California Code of Regulations  
AMEND: 2090, 2425, 2525, 2530  
Filed 01/28/2010  
Effective 02/27/2010  
Agency Contact: Karen Denz (916) 322-1899

File# 2009-1217-01  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Religious Diet Regulation Revisions

This regulatory action makes provision for a new "Religious Meat Alternate Program," offering meat that has been certified as halal, as a third religious diet option for inmates, at all California Department of Corrections and Rehabilitation adult institutions.

Title 15  
California Code of Regulations  
ADOPT: 3054.3 AMEND: 3054, 3054.1, 3054.2, 3054.3 (renumbered to 3054.4), 3054.4 (renumbered to 3054.5), 3054.5 (renumbered to 3054.6), 3054.6 (renumbered to 3054.7)  
Filed 02/02/2010  
Effective 02/02/2010  
Agency Contact: Diane Hawkins (916) 322-8447

File# 2009-1216-04  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
Occupational Licensing Regs and Forms Update

The Department of Housing and Community Development amended Chapter 4 of Division 1 of Title 25 of the California Code of Regulations by clarifying the requirements, responsibilities, and instructions of the occupational licensing program regulations and forms. The forms are also being updated to reflect changes to application fees that are already in regulation.

Title 25  
California Code of Regulations  
AMEND: 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314, 5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332, 5336, 5338, 5340, 5342, 5344, 5346, 5348, 5350, 5352, 5354, 5356, 5360, 5362, 5364, 5366, 5368 REPEAL: 5042  
Filed 01/29/2010  
Effective 01/29/2010

Agency Contact:  
Keisha Wickham (916) 322-1473

File# 2009-1223-01  
DEPARTMENT OF INSURANCE  
Auto Body Repair Consumer Bill of Rights

This Section 100 Change Without Regulatory Effect repeals a bracketed phrase inside the regulation containing a description of the 1/1/10 operative date for a new subparagraph (c)(6) added to the existing list of the "Auto Body Repair Consumer Bill of Rights".

Title 10  
California Code of Regulations  
AMEND: 2695.85  
Filed 02/03/2010  
Agency Contact: Drake Shogun (916) 492-3535

File# 2010-0119-01  
DEPARTMENT OF SOCIAL SERVICES  
AB 1808 Penalty Pass-On Regulations

This emergency rulemaking action adds Chapter 91-100 to the Department of Social Services Manual of Policies and Procedures to implement the Assembly Bill 1808 (Chapter 75 of 2006) work participation rate (WPR) state penalty pass-on procedure to counties for failures to meet federal minimum WPRs under the Temporary Assistance to Needy Families program. The rulemaking defines terms necessary to implement the procedure. It establishes county data reporting and WPR state-appeal assistance requirements for counties. And it sets out the steps the state will take to pass on 50% of the federal penalty to counties and establishes the penalized counties' ongoing WPR maintenance-of-effort obligations.

Title MPP  
California Code of Regulations  
ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140  
Filed 01/29/2010  
Effective 01/29/2010  
Agency Contact: Sue Tognet (916) 657-2586

File# 2009-1214-01  
EMPLOYMENT TRAINING PANEL  
June 09 Regulatory Package

This rulemaking, which the ETP has designated as the June 09 Regulatory Package, makes minor changes in regulations that specify the kinds of employment training projects that ETP may fund.

Title 22  
California Code of Regulations  
AMEND: 4402.2, 4406, 4409, 4420, 4420.5, 4426  
Filed 01/27/2010  
Effective 02/26/2010

Agency Contact:  
Maureen Reilly (916) 327-5422

File# 2009-1222-02  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD  
Airborne Contaminants

This rulemaking amends Title 8 section 5155 of the California Code of Regulations. OSHSB is tasked with regulating employee exposure to toxic materials. Changes are being made to Table AC-1 to establish new Permissible Exposure Limits (PEL) (limits designed to protect workers from the effects of exposure to hazardous substances) and to amend existing PELs for 13 substances.

Title 8  
California Code of Regulations  
AMEND: 5155  
Filed 02/03/2010  
Effective 08/03/2010  
Agency Contact: Marley Hart (916) 274-5721

File# 2009-1222-03  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD  
Piling Materials

The Occupational Safety and Health Standards Board amended section 1549 of title 8 of the California Code of Regulations to provide that material on balconies or in other similar elevated locations on the exteriors of buildings under construction shall be placed, secured or positively barricaded in order to prevent the material from falling.

Title 8  
California Code of Regulations  
AMEND: 1549(h)  
Filed 02/02/2010  
Effective 03/04/2010  
Agency Contact: Christina Witte (916) 274-5721

File# 2009-1231-01  
OFFICE OF SPILL PREVENTION AND RESPONSE  
Certificates of Financial Responsibility

This rulemaking action streamlines the regulations and forms governing the application process for a Certificate of Financial Responsibility (Certificate) for transferers, transporters, and owners of oil in California marine waters or in locations which could affect California marine waters. The Certificate evidences the ability of an applicant to pay for clean-up costs in the event of an oil spill. The rulemaking repeals the requirement that the original of the Certificate must be kept on board oil transport vessels. It updates and re-

vises application forms by deleting Liquefied Petroleum Gas and Liquefied Natural Gas from certain Certificate application forms and adds it to another. It clarifies the description of gross tonnage. It requires the prior name of a vessel (if any) to be specified. It requires additional contact person information, and it requires that SWIFT codes be provided to simplify the processing of Certificate fees.

Title 14  
California Code of Regulations  
AMEND: 791.7, 792  
Filed 01/29/2010  
Effective 01/29/2010  
Agency Contact:  
Joy D. Lavin-Jones (916) 327-0910

File# 2009-1218-03  
SAN FRANCISCO BAY CONSERVATION AND  
DEVELOPMENT COMMISSION  
San Francisco Waterfront Special Area Plan

In this regulatory action, the San Francisco Bay Conservation and Development Commission amends the San Francisco Waterfront Special Area Plan. The amendments revise the Open Water Areas Policies and the Plan Implementation Requirements of the Special Area Plan to allow a project that proposes to retain a portion of the "valley" and non-historic shed additions (fill) between Pier 15 and Pier 17 and to define the requirements of an alternative fill removal program. The amendment includes a revision to the San Francisco Waterfront Special Area Plan Figure 2 Open Water Basins, Open Water Areas and Public Plazas, and Special Area Plan Map 2.

Title 14  
California Code of Regulations  
AMEND: 11960  
Filed 02/03/2010  
Effective 02/03/2010  
Agency Contact: Lindy L. Lowe (415) 352-3642

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN September 2, 2009 TO  
February 3, 2010**

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.

**CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 7-Z**

**Title 2**

01/26/10 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585  
 01/25/10 AMEND: 58100  
 01/19/10 AMEND: div.8, ch. 102, sec. 59100  
 01/14/10 AMEND: Section 27000  
 01/13/10 ADOPT: div. 8, ch. 119, sec. 59640  
 01/11/10 ADOPT: 18229.1, 18944 REPEAL: 18944  
 01/05/10 AMEND: div. 8, ch. 49, sec. 53800  
 12/22/09 AMEND: 1859.96, 1859.148.2, 1859.166.2  
 12/21/09 AMEND: 1896.4, 1896.12  
 12/21/09 ADOPT: 20714.5 AMEND: 20711, 20712, 20714, 20716, 20717, 20718, 20719  
 11/24/09 AMEND: 1859.2  
 11/24/09 AMEND: 1859.2, 1859.35, 1859.51, Form SAB 50-02, SAB Form 50-03, SAB Form 50-04  
 11/17/09 ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20840, 20841, 20842  
 11/16/09 AMEND: 1859.129, 1859.197  
 11/12/09 ADOPT: 18944.4 AMEND: 18944.3  
 11/12/09 ADOPT: 18219, 18734  
 11/09/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197  
 11/09/09 ADOPT: 604 REPEAL: 604  
 11/05/09 ADOPT: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808, 60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60829, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60837, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855  
 11/03/09 ADOPT: 1859.96 AMEND: 1859.2, 1859.90  
 10/01/09 AMEND: 2291, 2292, 2294 ADOPT: 2297  
 10/01/09 AMEND: 1898.2, 1898.7  
 09/22/09 ADOPT: 18603, 18603.1  
 09/22/09 ADOPT: 18901.1 AMEND: 18420.1  
 09/18/09 AMEND: 1859.76  
 09/17/09 AMEND: 2270, 2271  
 09/14/09 AMEND: 588.1, 588.2

**Title 3**

01/25/10 AMEND: 3434(b)  
 01/25/10 AMEND: 3406(b)  
 01/25/10 ADOPT: 1430.54, 1430.55, 1430.56, 1430.57  
 01/19/10 ADOPT: 3436  
 01/12/10 AMEND: 3434(b)  
 01/11/10 AMEND: 3406(b) and (c)  
 01/06/10 AMEND: 3435(b)  
 01/04/10 AMEND: 2675, 2734, 2735  
 12/31/09 AMEND: 3434(b), (c), (e)  
 12/29/09 AMEND: 3423(b)  
 12/28/09 AMEND: 3434(b)  
 12/28/09 AMEND: 3434(b)  
 12/16/09 AMEND: 3591.20(a)  
 12/16/09 AMEND: 3406(b)(c)  
 11/25/09 AMEND: 3435(b)  
 11/24/09 AMEND: 3430(b)  
 11/16/09 AMEND: 3435(b)  
 11/16/09 AMEND: 3406(b)(c)  
 11/10/09 AMEND: 3434(b)  
 10/30/09 AMEND: 3435(b), (c) and (d)  
 10/15/09 AMEND: 3434(b)  
 10/08/09 AMEND: 3434(b)  
 10/08/09 AMEND: 3591.20(a)  
 09/24/09 AMEND: 3406(b)  
 09/24/09 AMEND: 3434(b)  
 09/22/09 AMEND: 6562  
 09/15/09 AMEND: 3434(b)  
 09/14/09 AMEND: 3435(b)  
 09/10/09 ADOPT: 2300.1, 2300.2, 2300.3 AMEND: 2300  
 09/09/09 AMEND: 3434(b)  
 09/03/09 AMEND: 3434(b)

**Title 4**

02/01/10 AMEND: 1867  
 01/29/10 AMEND: 1866  
 01/27/10 AMEND: 10020  
 01/27/10 AMEND: 1890  
 01/27/10 AMEND: 1859  
 01/27/10 AMEND: 1843.6 and 1858  
 12/17/09 AMEND: 8070, 8072, 8073, 8074  
 12/09/09 AMEND: 12388  
 12/08/09 ADOPT: 12218.8, 12218.9, 12238, 12239 AMEND: 12200.9, 12200.10A, 12200.11, 12200.13, 12203.2, 12205.1, 12218, 12218.7, 12220.13, 12220.18, 12220.23, 12225.1, 12233, 12235  
 10/27/09 AMEND: 8034, 8035, 8042, 8043  
 10/20/09 AMEND: 1606

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10/07/09 AMEND: 7030, 7034, 7035, 7037, 7038, 7042, 7044, 7045, 7046, 7048, 7049, 7050

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02/01/10 ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330,

73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010

01/21/10 ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709

01/21/10 ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5

01/04/10 AMEND: 1203, 1204, 1205, 1206, 1207.1, 1208, 1209, 1211, 1217, 1218, 1219, 1220, 1225

12/18/09 AMEND: 41905

12/16/09 ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846

12/16/09 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736

11/03/09 AMEND: 1200, 1204.5, 1207, 1207.5, 1210, 1211.5, 1215, 1215.5, 1216 REPEAL: 1207.2

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02/03/10 AMEND: 5155

02/02/10 AMEND: 1549(h)

12/09/09 AMEND: 9812, 10111.2

12/02/09 AMEND: 4086

11/19/09 AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611

11/04/09 AMEND: 9771, 9778, 9779, 9779.5 REPEAL: 9779.9

10/28/09 AMEND: 3333, 3650

10/26/09 AMEND: 5306

10/22/09 AMEND: 3277

10/07/09 AMEND: 2395.6

**Title 9**

12/21/09 ADOPT: 9550

12/21/09 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533

11/04/09 ADOPT: 3200.125, 3200.215, 3200.217, 3200.253, 3200.254, 3200.255, 3200.256, 3200.275, 3200.276,

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 AMEND: 3310, 3510  
 10/26/09 ADOPT: 4350  
 09/22/09 ADOPT: 7213.4, 7213.5, 7213.6, 7214.1, 7214.2, 7214.3, 7214.4, 7214.6, 7214.8, 7215.1, 7216.1, 7216.2, 7220.3, 7220.5, 7220.7 AMEND: 7213, 7213.1, 7213.2, 7213.3, 7214, 7215, 7216, 7218, 7220, 7221, 7224, 7225, 7226, 7226.1, 7226.2, 7227, 7227.1, 7227.2 REPEAL: 7219  
 09/14/09 ADOPT: 4000, 4005

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 02/03/10 AMEND: 2695.85  
 01/21/10 ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741  
 01/07/10 AMEND: 2651.1, 2652.1, 2652.10, 2653.3, 2653.4, 2653.5, 2654.1, 2655.3, 2655.4  
 12/15/09 REPEAL: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5  
 12/08/09 AMEND: 2699.6603  
 12/07/09 ADOPT: 2309.2, 2309.3, 2309.4, 2309.5, 2309.6, 2309.7, 2309.8, 2309.9, 2309.10, 2309.11, 2309.12, 2309.13, 2309.14, 2309.15, 2309.16, 2309.17, 2309.18, 2309.20  
 12/03/09 AMEND: 2698.600, 2698.602  
 12/01/09 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8 AMEND: 2031.9, 2031.10  
 12/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10  
 12/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10  
 12/01/09 AMEND: 2699.200, 2699.201  
 11/19/09 AMEND: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507  
 11/19/09 AMEND: 2498.5  
 11/19/09 AMEND: 2498.5  
 11/19/09 AMEND: 2498.4.9  
 11/19/09 AMEND: 2498.4.9  
 11/10/09 AMEND: 260.101.2, 260.103.4, 260.105.7, 260.105.17, 260.105.33, 260.105.34, 260.211.1, 260.217, 260.230, 260.241.4, 260.242 REPEAL: 260.105.37, 260.204.11  
 10/29/09 AMEND: 2699.6809

10/29/09 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725  
 10/26/09 AMEND: 2632.9  
 10/26/09 AMEND: 2695.85  
 10/15/09 AMEND: 2632.5  
 10/06/09 ADOPT: 2728, 2773, 2903 AMEND: 2731, 2848, 2930 REPEAL: 2728, 2755  
 09/29/09 AMEND: 2699.6625  
 09/24/09 AMEND: 260.004, 260.017.1, 260.102.14, 260.165, 260.210, 260.211, 260.230.1, 260.236, 260.236.1, 260.237.2, 260.240, 260.241.3 REPEAL: 260.101, 260.103.3, 260.237.1  
 09/23/09 AMEND: 260.102.8(b), 260.103.6, 260.105.15, 260.113, 260.140.8(b)(4), 260.140.42(e), 260.140.71.2, 260.140.114.1(c), 260.151(a), 260.236(c)(3)(C), 260.608, 1457(d), 1950.122.1, 2020(c), 2030, Note after Subchapter 6 REPEAL: 250.50, 250.51  
 09/17/09 AMEND: 2699.6805

**Title 11**  
 01/11/10 38.3  
 01/05/10 AMEND: 900, 901, 902, 903, 904, 905, 906 REPEAL: 907, 908, 909, 910, 911  
 11/09/09 AMEND: 1005, 1007, 1008  
 10/14/09 AMEND: 9052(c), 9053(b), 9053(c), 9053(e)(5)(A)4, 9053(e)(10)(A), 9053(e)(10)(B), 9054(e)(4), 9057(b), 9059(b), 9059(c), 9059(e)(9)(A), 9059(e)(9)(B), 9060(e)(4)

**Title 12**  
 10/13/09 ADOPT: 600 REPEAL: 600  
 09/17/09 ADOPT: 508

**Title 13**  
 01/14/10 ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978  
 01/05/10 AMEND: 553.70  
 12/31/09 AMEND: 2449, 2449.1, 2449.2  
 12/31/09 AMEND: 2449, 2449.1, 2449.2  
 12/15/09 ADOPT: 155.07 AMEND: 155.05  
 12/09/09 ADOPT: 2025  
 12/03/09 AMEND: 425.01  
 10/20/09 AMEND: 2433  
 10/13/09 ADOPT: 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359  
 09/16/09 ADOPT: 2468, 2468.1, 2486.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9, 2468.10

**Title 13, 17**

12/03/09 AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5

**Title 14**

02/03/10 AMEND: 11960  
 02/01/10 AMEND: 1257  
 01/29/10 AMEND: 791.7, 792  
 01/28/10 AMEND: 2090, 2425, 2525, 2530  
 01/14/10 ADOPT: 749.5  
 01/13/10 REPEAL: 1.18  
 01/08/10 AMEND: 4970.00, 4970.01, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10, 4970.10.1, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.17, 4970.19, 4970.19.2, 4970.19.4, 4970.20, 4970.21, 4970.22, 4970.24, 4970.25.1, 4970.26  
 12/29/09 AMEND: 4609  
 12/21/09 AMEND: 670.5  
 12/21/09 AMEND: 2310, 2320  
 12/02/09 AMEND: 699.5  
 12/01/09 AMEND: 895, 895.1, 898, 914.8, 916, 916.2, 916.5, 916.9, 916.11, 916.12, 923.3, 923.9, 916.9.1, 923.9.1, 934.8, 936.5, 936, 936.2, 936.9, 936.9.1, 936.11, 936.12, 943.3, 943.9, 943.9.1, 954.8, 956.5, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9  
 11/30/09 ADOPT: 1022.4, 1022.5, 1024.6 AMEND: 1035.3, 1090.12, 1092.14  
 11/30/09 AMEND: 1052, 1052.1, 1052.4  
 11/25/09 AMEND: 895, 895.1, 919.9, 919.10, 939.9, 939.10  
 11/23/09 ADOPT: 749.4  
 11/18/09 AMEND: 163, 164  
 10/29/09 AMEND: 551  
 10/27/09 AMEND: 938.8  
 10/27/09 ADOPT: 1530.05 AMEND: 1553, 1554, 1561.1, 1562, 1564, 1567  
 10/26/09 ADOPT: 1091.15 AMEND: 1091.9  
 10/22/09 ADOPT: 749.5  
 10/20/09 ADOPT: 6594, 6594.1, 6594.2, 6594.3, 6594.4, 6594.5, 6594.6, 6594.7, 6594.8, 6594.9, 6594.20, 659.21, 6594.22, 6594.23, 6594.24, 6594.25, 6594.26, 6594.27, 6594.40, 6594.41, 6594.42, 6594.43, 6594.44, 6594.45, 6594.46, 6594.47  
 10/20/09 AMEND: 300

10/07/09 AMEND: 122  
 10/05/09 AMEND: 670.5  
 09/15/09 AMEND: 502

**Title 15**

02/02/10 ADOPT: 3054.3 AMEND: 3054, 3054.1, 3054.2, 3054.3 (renumbered to 3054.4), 3054.4 (renumbered to 3054.5), 3054.5 (renumbered to 3054.6), 3054.6 (renumbered to 3054.7)  
 01/25/10 ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2  
 01/25/10 ADOPT: 3075.2(b)(4) through (b)(4)(C), 3075.3(c), 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504  
 01/07/10 AMEND: 1, 100, 102, 260, 261, 262, 263, 351, 352, 353, 354, 355, 356, 358, 1006, 1010, 1029, 1032, 1045, 1055, 1056, 1063, 1081, 1083, 1084, 1100, 1122, 1140, 1160, 1245, 1260, 1264, 1272, 1280  
 01/07/10 ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6  
 12/29/09 ADOPT: 3378.3 AMEND: 3000, 3378.1  
 12/21/09 AMEND: 3287, 3290  
 11/24/09 ADOPT: 3123, 3124 AMEND: 3041.3, 3122, 3162, 3164, 3165  
 10/23/09 ADOPT: 3999.8  
 10/14/09 AMEND: 3045.2  
 10/06/09 AMEND: 3000, 3173.1, 3176, 3176.3, 3315, 3323  
 09/29/09 AMEND: 3341.5

**Title 16**

01/06/10 AMEND: 1505  
 01/06/10 ADOPT: 2.4  
 01/06/10 ADOPT: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8 AMEND: 1751, 1751.01, 1751.02, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8, 1751.9 REPEAL: 1716.1, 1716.2, 1751.1, 1751.6, 1751.9  
 12/18/09 ADOPT: 81, 87.8, 87.9 AMEND: 80, 87, 87.1, 87.7, 88, 88.1, 88.2, 89  
 12/16/09 ADOPT: 3340.45 AMEND: 3340.5, 3340.15, 3340.16, 3340.42  
 12/10/09 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6  
 12/09/09 AMEND: 1314.1  
 12/03/09 AMEND: 1338  
 11/30/09 AMEND: 832.45, 832.46, 861 REPEAL: 842

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11/30/09 AMEND: 2286  
11/12/09 ADOPT: 645  
11/05/09 ADOPT: 3340.42.2 AMEND: 3340.17,  
3340.42  
10/08/09 AMEND: 1888  
10/07/09 ADOPT: 1399.90, 1399.91, 1399.92,  
1399.93, 1399.94, 1399.95, 1399.96,  
1399.97, 1399.98, 1399.99 REPEAL:  
1399.50, 1399.52  
10/05/09 ADOPT: 1399.514  
09/16/09 ADOPT: 1950.1 AMEND: 1984  
09/16/09 ADOPT: 1399.720, 1399.721, 1399.722,  
1399.723, 1399.724, 1399.725  
09/08/09 AMEND: 2310

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01/12/10 ADOPT: 95480, 95480.1, 95481, 95482,  
95483, 95484, 95485, 95486, 95487,  
95489, 95490  
12/28/09 ADOPT: 95340, 95341, 95342, 95343,  
95344, 95345, 95346  
12/17/09 ADOPT: 100600, 100601, 100602,  
100603, 100604, 100605, 100606,  
100607, 100608, 100609, 100610,  
100611  
12/14/09 ADOPT: 95320, 95321, 95322, 95323,  
95324, 95325, 95326  
12/09/09 ADOPT: 95300, 95301, 95302, 95303,  
95304, 95305, 95306, 95307, 95308,  
95309, 95310, 95311  
11/12/09 AMEND: 30305  
11/10/09 ADOPT: 100502  
10/15/09 ADOPT: 1230 REPEAL: 1230  
09/22/09 AMEND: 2500, 2502, 2505  
09/18/09 AMEND: 100500

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01/25/10 AMEND: 2504, 2505, 2506, 2507, 2508,  
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2542, 2543, 2544, 2557, 2560, 2561  
01/20/10 AMEND: 5237, 5266  
09/29/09 AMEND: 1620

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11/19/09 AMEND: 200, 204, 206, 207, 208, 209,  
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11/06/09 AMEND: 901, 905, 905.2, 906.3

**Title 21**

01/21/10 ADOPT: 2620, 2621, 2622, 2623, 2624,  
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2631, 2632, 2633, 2634, 2635, 2636,  
2637, 2638, 2639, 2640, 2641, 2642,  
2643, 2644, 2645, 2646, 2647, 2648,  
2649, 2650, 2651, 2652  
10/06/09 ADOPT: 1412.1, 1412.2, 1412.3, 1412.4,  
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